

U. S. Department of Agriculture

MEMORANDUM
OF
TRAVELING EXPENSES

From Nov. 12....., 1921

To Nov. 17....., 1921

Use this Memorandum; it will assist
you in making up your account.
Retain for future reference. : : :

Nov. 12, 1921

	Dollars.	Cents.
Breakfast ----- tip -----		
Dinner ----- tip -----		
Supper <u>1.10</u> tip <u>10</u>	<u>1</u>	<u>20</u> ✓
Lodging -----		
Pullman porter -----		
Waiter fees -----		
Hotel porter -----		
Station porter -----		
Checking baggage -----		
fare office to depot		<u>07</u> ✓
bag. 9935391 Wash D.C. to		
Athens, Ga. via Seaboard		
<u>20.77</u>		
9935392 lower berth to		
Athens <u>7.50</u>		
hr. Wash via R. F. & P. <u>5.00 P.M.</u>		

Nov. 13, 1911

	Dollars.	Cents.
Breakfast 55 tip 10		65
Dinner tip	1	45
Supper tip	1	00
Lodging		
Pullman porter		
Waiter fees		
Hotel porter		
Station porter		
Checking baggage		
Arr. Athens Apr 2 11:15 P.M.		25
Bus to hotel		

8-829

Nov. 14, 1911

	Dollars.	Cents.
Breakfast tip		45
Dinner tip		70
Supper tip		65
Lodging		
Pullman porter		
Waiter fees		
Hotel porter		
Station porter		
Checking baggage		
Carfare		07

8-829

Nov. 15

191

[illegible]

8-829

Nov. 16, 1921

192

	Dollars.	Cents.
Breakfast ----- tip -----		45
Dinner ----- tip -----		75
Supper ----- tip -----	1	15
Lodging -----	7	50
Pullman porter -----		
Waiter fees -----		
Hotel porter -----		
Station porter -----		
Checking baggage -----		
tele. -----		05
bus to depot -----		25
Be. 935393 Athens		
to Wash. 20.77		
lv. Athens via Seaboard		11.41
a 935394 Athens to		
Wash. 7.50		

8-829

-, 191.

[illegible]

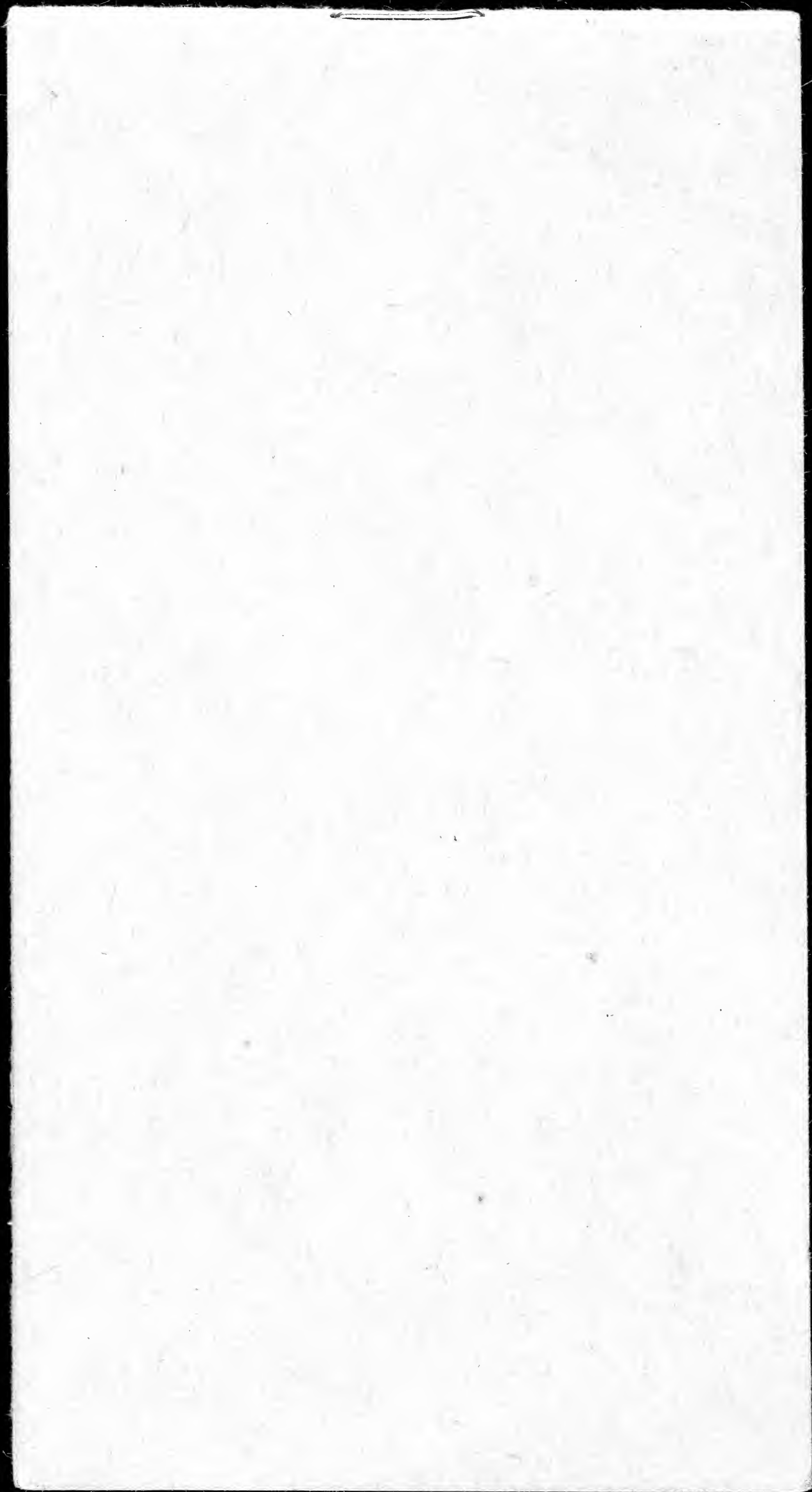
8-829

191.

[illegible]

8-829

	Dollars.	Cents.
Breakfast ----- tip -----		
Dinner ----- tip -----		
Supper ----- tip -----		
Lodging -----		
Pullman porter -----		
Waiter fees -----		
Hotel porter -----		
Station porter -----		
Checking baggage -----		



U. S. Department of Agriculture

MEMORANDUM
OF
TRAVELING EXPENSES

From _____, 191

To _____, 191

Use this Memorandum; it will assist
you in making up your account.
Retain for future reference. : : :

June 12, 191

	Dollars.	Cents.
Breakfast ----- tip -----		
Dinner 1.55 tip 10 -----	1	65 ✓
Supper 1.66 tip 10 -----	1	70 ✓
Lodging -----		
Pullman porter -----		25
Waiter fees -----		
Hotel porter -----		
Station porter -----		
Checking baggage -----		
carfare to station -----		13 ✓
Q 864407 Wash. - Vicksburg, Ga., 30.11.		
Dep. Wash. via Sou 8.45 a.m.		
Q 864408 Wash. - Atlanta, supper 6.00		

June 13, 191

	Dollars.	Cents.
Breakfast ----- tip -----		40 ✓
Dinner ----- tip -----		85 ✓
Supper ----- tip -----		
Lodging -----		
Pullman porter -----		
Waiter fees -----		
Hotel porter -----		1
Station porter -----		
Checking baggage -----		
arr. Atlanta 6:25 a.m.		
A 864409 seat Atlanta		
to Valdosta 1.58		
arr. Valdosta G.S. & F. 5:48 P.M.		
by Hs 25 ✓		

8-829

June 14, 191

	Dollars.	Cents.
Breakfast ----- tip -----		
Dinner ----- tip -----		
Supper ----- tip -----	1	95 ✓
Lodging -----		
Pullman porter -----		
Waiter fees -----		
Hotel porter -----		
Station porter -----		
Checking baggage -----		20 ✓
Hotel 1 day 3 50 ✓		
A. 864410 Valdosta - Wash. 27.89		
by Valdosta A.C. Co. 4:45		
A 864590 Valdosta Savannah 1.20		
Seat		
by Hs 25 ✓		
arr. Savannah 11:00		
by Savannah 1.20		

8-829

5-829

2-829

....., 191.....

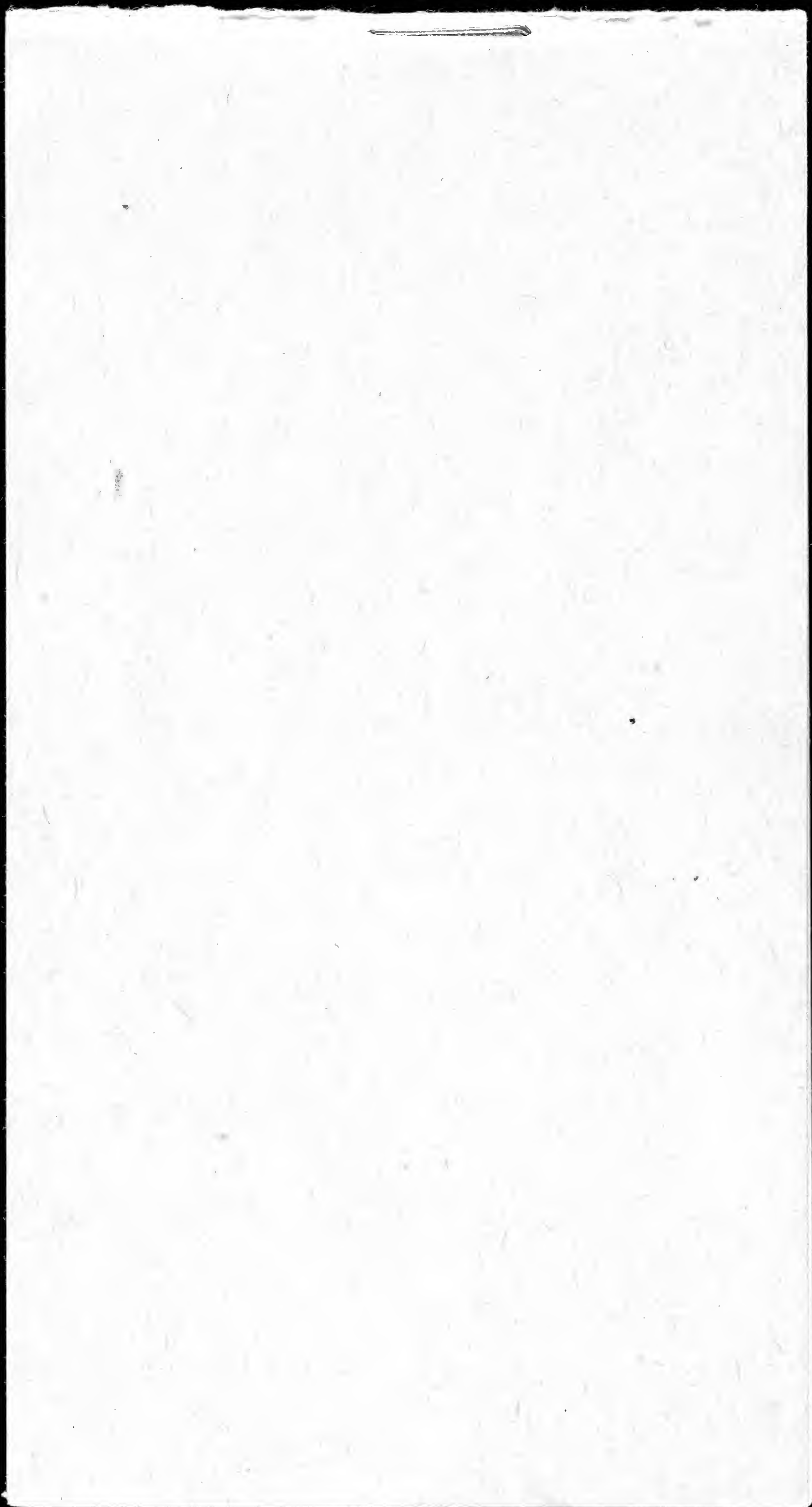
[illegible]

8-829

-----, 191-----

[illegible]

3-329



United States Department of Agriculture,

DEPARTMENT CIRCULAR 202.

Contribution from the Office of the Solicitor.

ROBERT W. WILLIAMS, Solicitor.

THE MIGRATORY BIRD TREATY ACT.

UNITED STATES VS. JOSEPH H. LUMPKIN.

Jury trial in the United States District Court for the Northern District of Georgia, at Athens, November 15 and 16, 1921, on indictment charging hunting, killing, and possession of MOURNING DOVES in Oglethorpe County, Georgia, on August 2, 1920, in violation of the Migratory Bird Treaty Act of July 3, 1918. Verdict, guilty; sentence, fine \$25 and costs.

RULING OF THE COURT AND CHARGE TO JURY.

SYLLABUS.¹

The Treaty between the United States and Great Britain for the protection of migratory birds (39 Stat., 1702) declares that doves are migratory, and where the evidence fails to establish that they or any distinct variety of them are clearly nonmigratory it is established as a matter of law that they are migratory birds within the meaning of such Treaty, and in a prosecution for hunting or killing mourning doves in violation of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), the question whether the mourning doves hunted or killed may have been resident in any particular State can not be heard by a jury.

In a prosecution for hunting or killing mourning doves in violation of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), evidence is inadmissible on the part of the defendant that the particular mourning doves hunted or killed were resident in the State where they were hunted or killed.

In a prosecution for unlawfully hunting or killing birds of a species which migrates between the United States and Canada and which is included within the terms of the Treaty between the United States and Great Britain for the protection of migratory birds, it is no defense that the individual bird hunted or killed was not migratory.

The effect of the Treaty between the United States and Great Britain for the protection of migratory birds, ratified by the Senate and backed by the Migratory Bird Treaty Act of July 3, 1918, and then reinforced by the interpretation of the Secretary of Agriculture, who was the executive officer selected to enforce it, is to say expressly that the mourning doves of Georgia are migratory.

¹ By Robert W. Williams, Solicitor, United States Department of Agriculture.

RULING OF THE COURT.

THE COURT (Hon. Samuel H. Sibley); The substance of this charge is that the defendant hunted and killed mourning doves, migratory birds. That is the language of the indictment, and it is said to be a crime against the United States. The statute making it a crime is the Act of Congress approved July 3rd, 1918, which prohibits, among other things, the hunting or killing of any migratory bird included in the terms of a convention between the United States and Great Britain for the protection of migratory birds, etc., and then enacts that any person, agency, partnership or corporation who shall violate the provisions of said convention, that is the Treaty, or of this Act, or who shall violate or fail to comply with any regulations made pursuant to this Act, shall be guilty of a misdemeanor and shall be fined. The complaint here is not of the violation of any regulation made by the Secretary of Agriculture, but of a violation of the Treaty, and in the first part of the Act it forbids the hunting or killing of migratory birds protected by the Treaty. The Treaty itself provides: "The closed season on migratory game birds shall be between March 10th, and September 1st." Prior to that agreement as to the closed season is the agreement that "The High Contracting Powers declare that the migratory birds included in the terms of this convention shall be as follows:" Then there are three classes, first, migratory game birds, second, migratory insectivorous birds, and, third, migratory non-game birds. Under the first heading, "Migratory game birds," a definition is made including in the Treaty, by name, a number of species of birds, among which are "pigeons, including doves and wild pigeons." This is the vital part, it seems to me, of the law relied upon to sustain this indictment.

It is needless to say, of course, that the Treaty, being a solemn agreement of the United States made with another power, is to be scrupulously observed and fairly interpreted, and faithfully applied both by this Government and the courts, and every citizen is involved in the faithful upholding of any treaty we make with any foreign country.

The question is whether or not the words of this Treaty, which are simply followed by the Act, prohibit the killing, prior to September 1st, of the doves described in this indictment and spoken of in this evidence.

I am of the opinion that the purpose of this Treaty was to deal only with migratory birds. I do not think there was any effort to protect migratory birds by covering others. That might have been a possible power, under the argument made here, but the mention of all these birds is in the definition of migratory birds and a part of it.

I have been much interested in the argument that there may be distinct varieties of birds within some of these definitions that are indisputably non-migratory, and that an attempt to regulate them would be in excess of the treaty-making power and an invasion of some reserved power of the states. That argument is applied to ground doves which, from this evidence, appear never to have been anywhere in the neighborhood of Canada, or to mocking birds, which are "insectivorous perchers," but which likewise are not shown ever to be found far North. If the case concerned them, it seems to me it would present an interesting and perhaps a serious question. But this mourning dove mentioned in the indictment and spoken of in the evidence as a mourning or turtle dove, does not appear to belong to such a distinct variety, so well established to be non-migratory as to be comparable with those two. I think what this Treaty means to say is this: Our purpose is to deal with migratory birds, but we do not want it left up in the air; we don't want it subject to uncertainties that will inevitably arise, and differences of opinion that will exist in various localities; we don't want hunters or birds under uncertainties of that sort, but we will proceed to examine and find out and agree as to what kind of birds we are talking about; and they mentioned doves. The evidence indicates that there are only two living varieties of doves, this mourning dove or turtle dove, and the ground dove. If, as contended by the defendant, the ground dove ought not to be considered in the Treaty, then it could not have meant by "doves" anything except the mourning dove or turtle dove. He is the only dove left that the makers of it could have meant.

Now it may be that there are individuals or families of doves that do not actually migrate, yet this evidence throughout, by every witness, states that it is impossible to tell a migratory from a nonmigratory one. You can not, even after killing him, tell which you have killed, much less can you tell before you shoot. I think that this Treaty plainly states that it is agreed that doves (which certainly must have included turtle or mourning doves if it included any) are migratory. If it be possible that it could be established that there are varieties so clearly non-migratory that they ought not to have been included or that they were not included; that can not be said of the variety of dove we are dealing with, because he is certainly migratory in certain parts of the country, because he leaves there entirely at certain seasons. He may be non-migratory here, because his habits vary unquestionably. He probably resides here to some extent all the year around, though nobody can demonstrate that.

So the case is that the treaty-making power said doves are migratory and this evidence fails to establish that they are not, or that any distinct variety of them is clearly non-migratory. It seems to

me clearly that it is the duty of the court to say and find that the effect of the Treaty, ratified by the Senate and backed by this Act of Congress, and then reinforced by the interpretation of the Secretary of Agriculture, who was the executive officer selected to enforce it, is to say expressly that the mourning doves of Georgia are migratory. That being true, the question raised can not be heard in any court before a jury. I can see that this evidence, taken as a whole, may show that there may be a doubt as to whether mourning doves killed in Georgia have migrated or not. That is as far as it can go. Then, if that is in dispute, can it be said that no legislative power exists to prohibit their killing? To illustrate what is in my mind, if the Legislature of Georgia, in an attempt to keep down the boll weevil, should legislate against the killing of quail,—I don't know whether quail are insectivorous or not,—I know they eat grain and I think they eat insects,—but suppose a man were to come into court and say "my quail are not that sort, they don't eat insects, in fact they never saw a boll weevil, and I know my quail don't eat insects." That is the very point that the Legislature has settled, though, and it does not lie in the mouth of any citizen to raise the issue. And I think this Treaty is almost in that condition, except that there might be limits to the treaty-making power that are not on the Georgia Legislature. But I do not think those limits appear to be so clearly transgressed by the Treaty here as to make this a question for a jury. I think it will have to be treated, under the evidence here as to turtle or mourning doves in this country, as being a matter established by law that they are migratory and can not be killed contrary to the provisions of this Treaty and of the Act of Congress and the regulations of the Secretary of Agriculture.

Entertaining that view, gentlemen, I do not think there is any issue that can be submitted to the jury here except the single one of whether or not the defendant did hunt or kill mourning doves. If he did, then that they are migratory birds, as alleged in the indictment, follows as a matter of law, and the only question of fact that we have here in the case is whether or not the defendant, prior to September 1st, or on the date named in this indictment, killed mourning doves or hunted them.

CHARGE TO THE JURY.

THE COURT: Gentlemen of the Jury, this indictment has three counts in it, charging the defendant with hunting, killing, and possessing, mourning doves, migratory birds, contrary to the Act of Congress and Treaty made between the United States and the Kingdom of Great Britain forbidding the killing of them prior to September 1st, or between March 10th and September 1st. He pleads not guilty to the charge, and that is the issue you are to try.

The fact is that in 1916, the United States, through the President and the Senate, acting in conformity with the Constitution, and of course by the consent of the States that made the Constitution, negotiated a treaty and agreement with Great Britain whereby certain matters affecting the migration of birds between Canada and the United States were to be settled and determined by agreement rather than in any other way. The making of these agreements with foreign nations is left, by the laws of this Union, to the President and the Senate. No state of this Union has any right to make any agreement whatever with any foreign country, because if there is any dispute or any fighting with a foreign country the United States has to do it, under the Constitution, and not the states. And with the purpose largely of avoiding disputes and disagreements and fights, the whole matter of dealing with them by treaties has been left to the President to negotiate the agreement and to the Senate to ratify and confirm, and after that it becomes binding and a part of the supreme law of this country; higher than the State laws; it is as high as the Acts of Congress and a part of the supreme law of the land.

Now in this matter a treaty was made in 1916, between Great Britain and the United States, and that agreement was that from March 10th to September 1st, there should be no killing in either country or any destruction by their citizens of various birds that were described therein as migratory birds. But the agreement went further than that and undertook to settle what were to be considered as migratory birds both in Canada and in the United States. Under this Treaty, among the birds that they agreed to consider migratory birds were doves, with no description added. Just the plain word "doves." Each of the parties agreed that their legislatures should enact laws that would enforce and carry out all these agreements in each of the two countries, and Congress did enact a law making it a misdemeanor, punishable by a fine, for any person to do any act in contravention of this Treaty. And that brings you to the charge made here, that this defendant, in contravention of that Act and of that Treaty, did, in August, which of course was prior to September 1st, kill doves, which are described as mourning doves. The only issue made in the case, after the ruling I have made as to what the law is, is whether or not you are satisfied beyond a reasonable doubt that he killed mourning doves prior to September 1st, or in August as it is charged in this indictment. If he did, then I charge you as a matter of law, by which I am bound and you are bound, that they are migratory birds. You need not consider the question whether or not they actually went out of Georgia, or were raised in Georgia, or whether they came from Canada or anywhere else at all. If they were mourning doves, they were migratory birds, as settled

by this Treaty, which became the law upon its adoption by the Senate and is backed by this Act of Congress and we are bound by it.

As to what a mourning dove is, you have heard the evidence on that question and the contention of the Government is that all doves, except this little ground dove that is found in Florida, are mourning doves. There was some evidence claiming that there was in Georgia some distinct sort, they were not given any special name, but the witnesses said they knew them as "doves." The only question left in the case is as to whether or not you are convinced that the defendant killed mourning doves as alleged in the indictment. Any doves would be included in the Treaty, but this indictment says "mourning doves," so he could not be convicted under this indictment unless it was mourning doves. It is for you to say whether or not you believe under the evidence in this case that he killed mourning doves, and if so, I charge you as a matter of law that, under the Treaty, they are migratory birds, and it is against the law to kill them before September 1st. If the defendant did that you will be authorized to find him guilty under any one of these counts, or all of them, that for hunting, or killing, or having them in his possession, whichever you find to be true. If you find that he did not kill mourning doves, as charged, of course you will find him not guilty. Write on the indictment "We the jury find the defendant guilty" under Number One, or Number Two, or Number Three, or all, as you find, and if you find him not guilty of any, you will return a verdict of not guilty.

ADDITIONAL COPIES
OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
5 CENTS PER COPY

▽

Whitehead according
to a letter from the
U.S. Attorney has said
that "Mourning" Doves
were so-called because
of Black feathers in
their wings.

RTMENT OF AGRICULTURE

OLOGICAL SURVEY

GTON, D. C.

o the fact that, as a holder of a Fe
are required to submit a report of
ne present calendar year on or before
preparing this report you should fur
the points indicated below.

r your report, use additional sheets
this is written.

Very truly yours,



Columbigallina Boie
dois, 1826, p. 977
for the ground is
preoccupied by
Columbigallina, Oken,
1817.

Chaemepelia Swainson
1827 is the next
available name.

DEPARTMENT OF AGRICULTURE

PHYSIOLOGICAL SURVEY

WASHINGTON, D. C.

the fact that, as a holder of a Federal license, you are required to submit a report of your activities for the present calendar year on or before the first of January. In preparing this report you should furnish the following points indicated below.

In your report, use additional sheets if necessary. This is written.

Very truly yours,



Place of shooting, Oglethorpe Co.
Ga; within 60 miles of
So. Carolina border, within
80 miles of Ns. Carolina line
and not a great distance
farther from Tennessee
and Alabama.

"Blue" Dove.

PARTMENT OF AGRICULTURE

LOGICAL SURVEY

TON, D. C.

the fact that, as a holder of a Fed
are required to submit a report of c
e present calendar year on or before
reparing this report you should furr
he points indicated below.

your report, use additional sheets
this is written.

•

ery truly yours,

A handwritten signature, possibly "S. D.", is visible at the bottom of the page.

Wright, A. H., & Harper, J., A Biological Reconnaissance
of Okfenetha Swamp: The Bird, Auk, 1913, p. 494.

"Tringa massena californica. Moulting
Nov. until Dec. & early common in the
marshes about the Swamp. It is said to
begin spawning in Bully Island in summer."

DEPARTMENT OF AGRICULTURE

ENTOMOLOGICAL SURVEY

WASHINGTON, D. C.

to the fact that, as a holder of a Federal License, you are required to submit a report of your activities for the present calendar year on or before the first of February. In preparing this report you should furnish information on the points indicated below.

For your report, use additional sheets if necessary. This is written.

Very truly yours,

A handwritten signature, possibly "E. B.", is written in dark ink at the bottom of the page.

Rhoads, S. N., Georgia's Paints Further Discovered
in a Second American Portfolio of John Abbott's
Bird Plates, Aug, 1918, p. 282.

#45 is marked "ground Pigeon." ~~B~~ is

Chaemepolia p. terrestris

#57 is marked "Carolina Pigeon" = *Zenaidura*

Portraits done previous to 1797.

DEPARTMENT OF AGRICULTURE
ZOOLOGICAL SURVEY

WASHINGTON, D. C.

To the fact that, as a holder of a Fee
are required to submit a report of
the present calendar year on or before
preparing this report you should fur
the points indicated below.

For your report, use additional sheets
this is written.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'W. F. ...', is written over the bottom right of the page.

Bailey, H. B., Memoranda of a Collection of eggs
from Georgia, AmN., 1883, p. 41.

nest in April & May.

St. Simons Is., Wayne & McIntosh Cos.

DEPARTMENT OF AGRICULTURE
BOLOGICAL SURVEY

WASHINGTON, D. C.

the fact that, as a holder of a Federal license, you are required to submit a report of the present calendar year on or before the date indicated below.

your report, use additional sheets if necessary.

Very truly yours,

A handwritten signature in dark ink, appearing to be "W. B. Smith", is written over the "Very truly yours," line.

Howell, A. H.; Notes on the Summer Birds of
Northern Georgia, Aug, 1909, p. 132.

"a few noted at Tate and at
Young Harris".

DEPARTMENT OF AGRICULTURE

LOGICAL SURVEY

WASHINGTON, D. C.

the fact that, as a holder of a Federal report, you are required to submit a report of the present calendar year on or before the date appearing on the report you should furnish the points indicated below.

your report, use additional sheets if this is written.

Very truly yours,

A large, stylized handwritten signature in dark ink, likely belonging to a government official, is written across the bottom of the page.

Mr. M^cAle informs me that the
common name "Mourning Dove" is
applied to the ground dove locally
throughout the range of the bird
in the Southern States.

DEPARTMENT OF AGRICULTURE
BOLOGICAL SURVEY

INGTON, D. C.

to the fact that, as a holder of a Fe
are required to submit a report of
the present calendar year on or before
preparing this report you should fur
the points indicated below.

your report, use additional sheets
this is written.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'W. F. ...', is written over the bottom right of the page.

Mr. T. H. McHatton,
an ornithologist of
Athens, Ga.

Thos W. Burlingh
of State College Agric.
Athens, Ga.

RTMENT OF AGRICULTURE

OLOGICAL SURVEY

GTON, D. C.

o the fact that, as a holder of a Fe
are required to submit a report of
ne present calendar year on or before
preparing this report you should fur
the points indicated below.

r your report, use additional sheets
this is written.

Very truly yours,



Q.B.B.Q. # 42829

Mourning Dove, juv.
Banded at Newtown, Delaware Co.,
Pennsylvania, May 31, 1920
by William Pepper, Dean of
the Medical School, University of
Pennsylvania. Bird taken from
nest in pine tree.

Killed 32 miles south of Albany,
Baker Co., Georgia by J. A. Jacobs
on Jan. 28, 1921.

Webster's Unabridged Dictionary.

p. 1414.

Mourning dove, a wild dove (Zenaidura
macroura) found throughout the
United States, resembling the passenger
pigeon in form and plumage, though
much smaller; so named from
its plaintive note. (with illustration)
p. 2219.

turtle-dove 1. any Old World wild dove
of Turtur or other allied genus, esp. the
Common European species (T. turtur),
noted for its plaintive cooing and affectionate
disposition. It is mostly cinnamon brown
with a white-bordered back [leg. black]

patch on each side of the neck
and white-tipped outer tail feathers.
The turtle dove of Scripture is believed
to be Stigmatopelia senegalensis or
possibly the ring dove (D. risorius)
2. a The Mourning Dove. Local, U. S.
is a small Australian dove (Geopelia
cuneata) of terrestrial habits.

A. O. U. Checklist, 3rd edition 1910.

Zenaidura macroura (Linnaeus)

Range. - North America, from Southern
Canada south to Panama and the
West Indies.

a. [Zenaidura macroura macroura
extralimital.]

b. Zenaidura macroura carolinensis (Linnaeus)
Mourning Dove.

Range. - North America. Breeds chiefly in Sonoran
and Lower Transition Zones from British Columbia,
Saskatchewan, Manitoba, Ontario, and
southern Nova Scotia south throughout the
United States and Mexico, and locally
in Lower California and Guatemala; winter
from Southern Oregon, Southern Colorado,
the Ohio Valley, and North Carolina to
Panama; Casual in winter in the Middle States.

Athens, Ga. 11/12/21
A.W. & B.W. Williams

Mourning Dove

Killdeer

Sparrowhawk

Chipmunk

Flicker

Red-headed Woodpecker

Bluejay

Meadowlark

English Sp.

Vesper "

White-throated Sp.

Song "

Goldfinch

Cardinal

Myrtle Warbler

Ruby-crowned Kinglet

Golden-crowned "

Car. Chickadee

Brown-headed Nuthatch

Mocker

Hermit Thrush

Bluebird

Carolina Wren

L. S. Thompson
Killed banded Dove in Leon
Co, Fla. Said to have come from
Canada.

Thos D. Burleigh
% Agricultural College
Athens, Ga.

McGue
do.
Barrett
do.

Mrs. W. G. Cornett
Athens, Ga.

Bulletins & reports on birds.

Matter of buying report of
Proceedings in case
ask Henderson to take up
with Boyle.
Can payment be made without
regard to set price per folio.
Matter of purchase to be arranged
on return by R. W.

♀ female
♂ male.

Col: John W. Henley
~~at~~ Atlanta

1st Asst U.S. ^{Ga} Attorney

Memo of Mourning Doves used
in case U.S. vs. J. Hampton.

From coll. J. H. Fleming

#2107 ♂ June 26, 1891, Toronto, Ont.
coll. C. W. Nash.

#2105 ♂, June 22, 1891, Toronto, Ont.
coll. C. W. Nash.

#9113. ♂, May 20, 1893, Hamilton, Ont.;
coll. K. C. M. Albrecht.

From coll. Victoria Memorial Museum.

#5845. ♂, May 7, 1910, Point Pelee, ~~Ont.~~,
Essex Co., Ont. coll. P. A. Savin.

Bird List Hamlet, S.C. 11/17/21

Yellow-bellied Woodpecker

Cardinal

White-throat

Song Sparrow

Bachman's "

Goldfinch

Brown-headed Nuthatch

Carolina Wren

English Sp.

Myrtle Warbler

Ruby-crowned Kinglet

Mocker

Hermit Thrush

38 that do not nest in this country
316 " " nest
great auk etc. eliminated

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

REPORT OF MIGRATORY BIRDS AND THEIR EGGS AND NESTS TAKEN FOR SCIENTIFIC PURPOSES

To the BIOLOGICAL SURVEY, United States Department of Agriculture, Washington, D. C.

Following is a true report of the number of specimens of each *species* of migratory birds and their eggs and nests collected, bought, or sold* under Federal permit issued for said purpose. (The A. O. U. numbers and common names are here used.) Report is made by each *species* to include all its subspecies. Whenever any species has been collected in more than one State during the year the number thus obtained in each additional State is indicated at the foot of the page.

Full name.....

Date....., 192

Address.....

A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*		A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*	
			Birds.	Eggs.†	Birds.	Eggs.†				Birds.	Eggs.†	Birds.	Eggs.†
	Grebes:							Gulls—Continued:					
1	Western grebe.....						44	Glaucous-winged gull.....					
2	Holboell grebe.....						45	Kumlien gull.....					
3	Horned grebe.....						47	Great black-backed gull.....					
4	Eared grebe.....						48	Slaty-backed gull.....					
6	Pied-billed grebe.....						49	Western gull.....					
	Loons:						51	Herring gull.....					
7	Loon.....						52	Vega gull.....					
8	Yellow-billed loon.....						53	California gull.....					
10	Pacific loon.....						54	Ring-billed gull.....					
11	Red-throated loon.....						55	Short-billed gull.....					
	Auks:						56	Mew gull.....					
12	Tufted puffin.....						57	Heermann gull.....					
13	Puffin.....						58	Laughing gull.....					
14	Horned puffin.....						59	Franklin gull.....					
15	Rhinoceros auklet.....						60	Bonaparte gull.....					
16	Cassin auklet.....						61	Ross gull.....					
17	Paroquet auklet.....						62	Sabine gull.....					
20	Least auklet.....							Terns:					
21	Ancient murrelet.....						63	Gull-billed tern.....					
23	Marbled murrelet.....						64	Caspian tern.....					
27	Black guillemot.....						67	Cabot tern.....					
28	Mandt guillemot.....						69	Forster tern.....					
29	Pigeon guillemot.....						70	Common tern.....					
30	Murre.....						71	Arctic tern.....					
31	Brünnich murre.....						72	Roseate tern.....					
32	Razor-billed auk.....						74	Least tern.....					
33	Great auk.....						77	Black tern.....					
34	Dovekie.....							Petrels and Shearwaters:					
	Skuas and Jaegers:						86	Fulmar.....					
35	Skua.....						86.1	Rodgers fulmar.....					
36	Pomarine jaeger.....						88	Cory shearwater.....					
37	Parasitic jaeger.....						89	Greater shearwater.....					
38	Long-tailed jaeger.....						93	Black-vented shearwater.....					
	Gulls:						95	Sooty shearwater.....					
39	Ivory gull.....						96	Slender-billed shearwater.....					
40	Kittiwake.....						98	Black-capped petrel.....					
41	Red-legged kittiwake.....						105	Forked-tailed petrel.....					
42	Glaucous gull.....						105.2	Kaeding petrel.....					
43	Iceland gull.....						106	Leach petrel.....					
							109	Wilson petrel.....					

* Includes specimens donated or exchanged.

† Nests are indicated by the letter N, thus: 3+N=3 eggs and nest; 3 N=3 nests.

A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*		A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*	
			Birds.	Eggs.†	Birds.	Eggs.†				Birds.	Eggs.†	Birds.	Eggs.†
	Gannets:							Herons—Continued:					
117	Gannet.....						200	Little blue heron.....					
	Ducks:						201	Green heron.....					
129	Merganser.....						202	Black-crowned night heron.....					
130	Red-breasted merganser.....						203	Yellow-crowned night heron.....					
131	Hooded merganser.....							Cranes:					
132	Mallard.....						204	Whooping crane.....					
133	Black duck.....						205	Little brown crane.....					
135	Gadwall.....						206	Sandhill crane.....					
136	European widgeon.....							Rails and Gallinules:					
137	Baldpate.....						208	King rail.....					
138	European teal.....						212	Virginia rail.....					
139	Green-winged teal.....						214	Sora.....					
140	Blue-winged teal.....						215	Yellow rail.....					
141	Cinnamon teal.....						216	Black rail.....					
142	Shoveller.....						216. 1	Farallon rail.....					
143	Pintail.....						217	Corn crake.....					
144	Wood duck.....						218	Purple gallinule.....					
146	Redhead.....						219	Florida gallinule.....					
147	Canvasback.....						221	Coot.....					
148	Scaup duck.....							Shorebirds:					
149	Lesser scaup duck.....						222	Red phalarope.....					
150	Ring-necked duck.....						223	Northern phalarope.....					
151	Golden-eye.....						224	Wilson phalarope.....					
152	Barrow golden-eye.....						225	Avocet.....					
153	Buffle-head.....						226	Black-necked stilt.....					
154	Old-squaw.....						227	European woodcock.....					
155	Harlequin duck.....						228	Woodcock.....					
156	Labrador duck.....						230	Wilson snipe.....					
157	Steller eider.....						231	Dowitcher.....					
159	Northern eider.....						233	Stilt sandpiper.....					
160	Eider.....						234	Knot.....					
161	Pacific eider.....						235	Purple sandpiper.....					
162	King eider.....						238	Sharp-tailed sandpiper.....					
163	Scoter.....						239	Pectoral sandpiper.....					
165	White-winged scoter.....						240	White-rumped sandpiper.....					
166	Surf scoter.....						241	Baird sandpiper.....					
167	Ruddy duck.....						242	Least sandpiper.....					
	Geese and Swans:						243	Dunlin.....					
169	Snow goose.....						244	Curlew sandpiper.....					
169. 1	Blue goose.....						246	Semipalmated sandpiper.....					
170	Ross goose.....						247	Western sandpiper.....					
171	White-fronted goose.....						248	Sanderling.....					
172	Canada goose.....						249	Marbled godwit.....					
173	Brant.....						251	Hudsonian godwit.....					
174	Black brant.....						254	Greater yellow-legs.....					
175	Barnacle goose.....						255	Yellow-legs.....					
176	Emperor goose.....						256	Solitary sandpiper.....					
178	Fulvous tree-duck.....						258	Willet.....					
180	Whistling swan.....						259	Wandering tattler.....					
181	Trumpeter swan.....						260	Ruff.....					
	Herons:						261	Upland plover.....					
190	Bittern.....						262	Buff-breasted sandpiper.....					
191	Least bittern.....						263	Spotted sandpiper.....					
191. 1	Cory least bittern.....						264	Long-billed curlew.....					
194	Great blue heron.....						265	Hudsonian curlew.....					
196	Egret.....						266	Eskimo curlew.....					
197	Snowy egret.....						269	Lapwing.....					

A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*		A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*	
			Birds.	Eggs.†	Birds.	Eggs.†				Birds.	Eggs.†	Birds.	Eggs.†
	Shorebirds—Continued:							Flycatchers—Continued:					
270	Black-bellied plover						447	Arkansas kingbird					
272	Golden plover						452	Crested flycatcher					
273	Killdeer						456	Phoebe					
274	Semipalmated plover						457	Say phoebe					
277	Piping plover						459	Olive-sided flycatcher					
278	Snowy plover						461	Wood pewee					
280	Wilson plover						462	Western wood pewee					
282	Surf-bird						463	Yellow-bellied flycatcher					
283	Turnstone						464	Western flycatcher					
284	Black turnstone						465	Acadian flycatcher					
286	Oyster-catcher						466	Traill flycatcher					
287	Black oyster-catcher						467	Least flycatcher					
							468	Hammond flycatcher					
							469	Wright flycatcher					
	Pigeons and Doves:							Meadowlarks and Orioles:					
312	Band-tailed pigeon						494	Bobolink					
315	Passenger pigeon						501	Meadowlark					
316	Mourning dove						501.1	Western meadowlark					
							506	Orchard oriole					
	Cuckoos:						507	Baltimore oriole					
387	Yellow-billed cuckoo						508	Bullock oriole					
388	Black-billed cuckoo												
								Grosbeaks:					
	Woodpeckers:						514	Evening grosbeak					
393	Hairy woodpecker						515	Pine grosbeak					
394	Downy woodpecker						595	Rose-breasted grosbeak					
399	White-headed woodpecker						596	Black-headed grosbeak					
400	Arctic three-toed woodpecker						597	Blue grosbeak					
401	Three-toed woodpecker												
402	Yellow-bellied sapsucker							Tanagers:					
403	Red-breasted sapsucker						607	Western tanager					
404	Williamson sapsucker						608	Scarlet tanager					
405	Pileated woodpecker						610	Summer tanager					
406	Red-headed woodpecker												
408	Lewis woodpecker							Swallows:					
409	Red-bellied woodpecker						611	Purple martin					
412	Flicker						612	Cliff swallow					
413	Red-shafted flicker						613	Barn swallow					
							614	Tree swallow					
	Goatsuckers:						615	Northern violet-green swallow					
417	Whippoorwill						616	Bank swallow					
418	Poorwill						617	Rough-winged swallow					
420	Nighthawk												
								Waxwings:					
	Swifts:						618	Bohemian waxwing					
422	Black swift						619	Cedar waxwing					
423	Chimney swift												
424	Vaux swift							Shrikes:					
425	White-throated swift						621	Northern shrike					
							622	Loggerhead shrike					
	Hummingbirds:												
428	Ruby-throated hummingbird							Vireos:					
429	Black-chinned hummingbird						624	Red-eyed vireo					
433	Rufous hummingbird						625	Yellow-green vireo					
434	Allen hummingbird						626	Philadelphia vireo					
436	Calliope hummingbird						627	Warbling vireo					
							628	Yellow-throated vireo					
	Flycatchers:						629	Blue-headed vireo					
443	Scissor-tailed flycatcher						631	White-eyed vireo					
444	Kingbird						632	Hutton vireo					
445	Gray kingbird												

A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*		A. O. U. No.	COMMON NAME.	STATE.	NUMBER COLLECTED.		NUMBER BOUGHT OR SOLD.*	
			Birds.	Eggs.†	Birds.	Eggs.†				Birds.	Eggs.†	Birds.	Eggs.†
	Warblers:							Wrens:					
636	Black and white warbler						715	Rock wren					
637	Prothonotary warbler						718	Carolina wren					
639	Worm-eating warbler						719	Bewick wren					
641	Blue-winged warbler						721	House wren					
642	Golden-winged warbler						722	Winter wren					
645	Nashville warbler						723	Alaska wren					
646	Orange-crowned warbler						723. 1	Aleutian wren					
647	Tennessee warbler						724	Short-billed marsh wren					
648	Parula warbler						725	Long-billed marsh wren					
650	Cape May warbler												
652	Yellow warbler							Creepers:					
654	Black-throated blue warbler						726	Brown creeper					
655	Myrtle warbler												
656	Audubon warbler							Nuthatches:					
657	Magnolia warbler						727	White-breasted nuthatch					
658	Cerulean warbler						728	Red-breasted nuthatch					
659	Chestnut-sided warbler						730	Pygmy nuthatch					
660	Bay-breasted warbler												
661	Black-poll warbler							Titmice:					
662	Blackburnian warbler						735	Chickadee					
665	Black-throated gray warbler						738	Mountain chickadee					
667	Black-throated green warbler						739	Alaska chickadee					
668	Townsend warbler						740	Hudsonian chickadee					
669	Hermit warbler						741	Chestnut-backed chickadee					
670	Kirtland warbler						743	Bush-tit					
671	Pine warbler												
672	Palm warbler							Kinglets:					
673	Prairie warbler						748	Golden-crowned kinglet					
674	Ovenbird						749	Ruby-crowned kinglet					
675	Water-thrush												
676	Louisiana water-thrush							Gnatcatchers:					
677	Kentucky warbler						751	Blue-gray gnatcatcher					
678	Connecticut warbler												
679	Mourning warbler							Thrushes:					
680	Macgillivray warbler						754	Townsend solitaire					
681	Maryland yellow-throat						755	Wood thrush					
683	Yellow-breasted chat						756	Veery					
684	Hooded warbler						757	Gray-cheeked thrush					
685	Wilson warbler						758	Russet-backed thrush					
686	Canada warbler						759	Hermit thrush					
687	Redstart						761	Robin					
							763	Varied thrush					
	Wagtails and Pipits:						★ 765	Wheatear					
697	Pipit						766	Bluebird					
700	Sprague pipit						767	Western bluebird					
							768	Mountain bluebird					
	Thrashers:												
704	Catbird												
705	Brown thrasher												

Names and addresses of persons to whom migratory birds or their eggs or nests were sold or otherwise disposed of during 192 :

Names and addresses of persons from whom migratory birds or their eggs or nests were purchased or otherwise obtained during 192 :

and jury could not consider that
question. Some twenty per dollar
and costs. Notify Hindman at
once.
W. H. H. H.
~~W. H. H. H.~~

INSTRUCTIONS.

The telegraph must be used sparingly. In a message from one official or employee to another official or employee *titles should not be used*, and in a great many cases the names of the parties in both address and signature may be limited to single words. Messages sent from or to the Department at Washington should not be paid for by the persons sending or receiving the same, except in cases where payment is demanded as a condition to the transmission or delivery of the messages, and the agent, operator, or messenger should be directed to have the same charged in the company's monthly bill at Washington.

The rates for the transmission of official messages (except those for the Weather Bureau) over the principal telegraph lines in the United States, including those of the Western Union Telegraph Company, are fixed annually by the Postmaster General, and all payments in excess of those rates will be at the expense of the persons making the payments.

Payment for Government messages sent over telegraph lines owned or operated by bond-aided railroad companies is forbidden by law.

Write numbers out when fewer words result than there are figures in the number, except in cablegrams, when figures should be used instead of the corresponding words.

Do not abbreviate ordinal numbers, such as 16th (three words), 3rd (two words), 22nd (three words); but write them sixteenth, third, and twenty-second.

Telegrams, or any part thereof, relating to leave of absence are *not* official. Telegrams relating to salary or expense checks are only official when the funds are actually necessary to carry out official instructions; and such messages must be clearly explained.

Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.—*Rev. Stat., sec. 5266.*

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

MONTHLY REPORT OF FIELD EXPENDITURES

Accounts of Spr. Alex. Wetmore Actual allotments \$ 100 00
Symbol 24 L. A. No. 164 -Bi Total expenditures 79 15
For the month of November, 1921 Balance 20 85

8-4579

DATE	PAYEE	AMOUNT	SUSPENSION OR CORRECTION		REMARKS
			Debit	Credit	
	Total expenditures as per previous adjustments,				
Nov 14-17	Alex. Wetmore	2261			
14	A 935391	4077			
14	2	750			
16	3	4077			
16	4	750			
		<u>79 15</u>			

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY
WASHINGTON, D. C.

ADDRESS REPLY TO
CHIEF, BUREAU OF BIOLOGICAL SURVEY,
AND REFER TO

November 12, 1921.

O-P
Travel Instr.
Wetmore

Dr. Alexander Wetmore,
Biological Survey,
Washington, D. C.

Dear Dr. Wetmore:

In accordance with letter of authorization No. 164 Bi, you are instructed to proceed on or about November 12 to Athens, Georgia, for the purpose of testifying in a dove case to be tried before the Federal court there on or about November 15.

The matter in controversy may cover two points, the first the identity of the species known to us as the Mourning Dove, and the second the question as to whether the Mourning Dove may be considered a migratory bird. You are already familiar with the subject and have prepared data that may be needed to establish these two points before the Court.

Upon completion of this matter you should return to your official station, Washington, D. C.

Very truly yours,

W. H. Henshaw

Acting Chief of Bureau.

Ga. bird lists

A. D. H. Checklist.

Look up ground Dove
(~~common~~ names) in
Alexander & Wilson.

Has name Mourning
Dove been applied to
Ground Dove

Seabird Guilini

Nov. 5, 5:00 P.M.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEYNo. 164 -BiLETTER OF AUTHORIZATION

Washington, D. C.

Alex. Wetmore,.....

November 2, 1921.

Assistant Biologist.....

Under authority conferred upon me by the Secretary of Agriculture (L. A. No. 8-Sec., dated July 1, 1921), you are hereby authorized to issue Government bills of lading and incur expenses as follows during the fiscal year 1922 in the performance of your official duties under the appropriation "General Expenses, Bureau of Biological Survey, 1922":

1. Actual and necessary traveling expenses of yourself and your assistants, between official stations and points throughout the United States, including, when the cost of travel is reduced thereby, mileage for use of personally owned automobiles at the rate of 7 cents per mile.
2. Hire of temporary assistants, subject to civil-service rules.
3. Station and miscellaneous expenses as defined in paragraphs 71 and 72, Fiscal Regulations.
4. Other necessary miscellaneous expenses.

Object of travel: Supervision and enforcement.

Travel entirely outside of your district must be under instructions from the Chief of Bureau. You will be allowed actual subsistence expenses, not to exceed \$5.00 per day, while absent from official headquarters.

Subsistence expenses incurred by your assistants traveling under instructions from you will be paid from sums allotted to you for this fiscal year.

All expenditures hereunder must be in strict conformity with law, the Fiscal Regulations of the Department of Agriculture, orders of the Secretary, and decisions of the Comptroller of the Treasury.

Your permanent headquarters will be Washington, D. C.

A true copy:



Chief Clerk and Executive



Acting Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY
WASHINGTON, D. C.

No. 359

ALLOTMENT, AND INCREASE OR DECREASE.

Date: November 2, 1921.

Dr. Alex. Wetmore,
Assistant Biologist,
Washington, D. C.

Dear Sir:

By direction of the Chief, Bureau of Biological Survey, the sum of
\$ 100.00 has been ~~the amount~~ allotted for expenditures
under the appropriation "General Expenses, Bureau of Biological Survey, 1922 ,"
SYMBOL NO. 24 (Protection of Migratory Birds) during this fiscal
Show this number on each Account charged hereto.
year, under Letter of Authorization No. 164 -Bi., dated November 2, 1921.

This is for the purpose of covering expenses which may be incurred in
connection with the enforcement of the provisions of the Migratory Bird Treaty
Act.

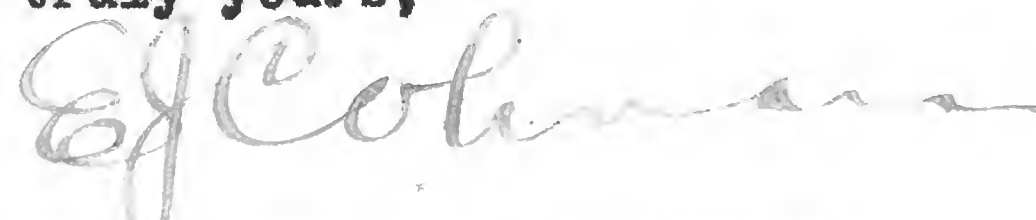
Liabilities may be incurred against this amount not to exceed:

2nd Quarter \$100.00

Any unincumbered balance may be carried forward into the following
quarter.

You will be held responsible for compliance with the terms of your
Letter of Authorization and for keeping within the amount of your allot-
ment. IF YOUR TOTAL ALLOTMENT IS EXCEEDED WITHOUT PREVIOUSLY OBTAINED
WRITTEN AUTHORITY OF THE CHIEF OF THE BUREAU, THE EXCESS WILL NOT BE MET
BY THE BUREAU, UNLESS (1) THERE IS MONEY AVAILABLE FROM THE PROPER APPRO-
PRIATION AND (2) A SATISFACTORY EXPLANATION IS MADE FOR FAILURE TO SECURE
IN ADVANCE THE NECESSARY INCREASE.

Very truly yours,



In Charge of Accounts.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF BIOLOGICAL SURVEY

WASHINGTON, D. C.

ADDRESS REPLY TO
CHIEF, BUREAU OF BIOLOGICAL SURVEY,
AND REFER TO

October 24, 1921.

MEMORANDUM FOR DR. WETMORE.

Dear Dr. Wetmore:

Before Dr. Nelson left Washington he told me that he intended to ask you to go to the trial soon to be held at Athens, Georgia, as witness on behalf of the Government. The case is a very important one and we want to make as good an impression on the court and jury as possible. You are already familiar with the matter in controversy; namely, the question as to whether the dove is a migratory bird or whether it is one of the resident birds of Georgia. It will be well for you to get in touch with Mr. Williams, the Solicitor, as soon as practicable and go over the cases with him thoroughly. He regrets very much, the same as you will, that this trial will prevent him from attending the A. O. U. meeting in Philadelphia. However, the case is far too important to be slighted inasmuch as it would be exceedingly difficult to enforce the Migratory Bird Treaty Act at all should the position of the defendants in these Georgia cases prevail.

Very truly yours,

W. C. Henderson

Acting Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

WASHINGTON, D. C.

ADDRESS REPLY TO
CHIEF, BUREAU OF BIOLOGICAL SURVEY,
AND REFER TO

O-F
Alex. Wetmore.

June 17, 1921.

Mr. Alex. Wetmore,
Assistant Biologist,
Washington, D. C.

Dear Sir:

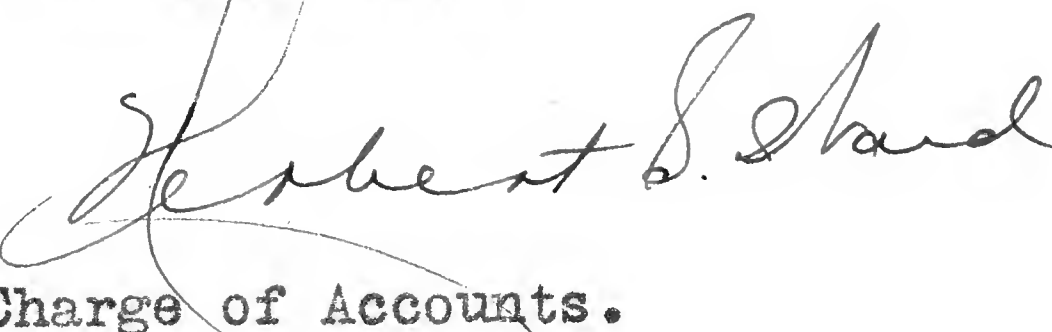
In the examination of your reimbursement account for the period June 12 to 15, inclusive, under your letter of authorization No. 35-Bi, the following difference is noted:

June 15, Waiter fee, Florence, S.C. \$0.10

Disallowed, for the reason that your account shows this disbursement was made in an anti-tipping state.

Amount claimed	\$14.46
Difference noted	<u>.10</u>
Approved for	\$14.36

Very truly yours,


In Charge of Accounts.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY
WASHINGTON, D. C.

No. 790

ALLOTMENT, AND INCREASE OR DECREASE.

Date: June 17, 1921.

Dr. Alex. Wetmore,
Assitant Biologist,
Bureau of Biological Survey.

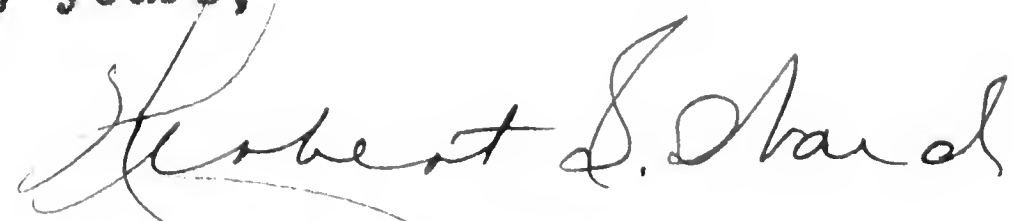
Dear Sir:

By direction of the Chief, Bureau of Biological Survey, the sum of
\$ 11.26 has been deducted from the amount allotted for expenditures
under the appropriation "General Expenses, Bureau of Biological Survey, 1921,"
SYMBOL NO. 24 (Protection of Migratory Birds) during this fiscal
Show this number on each Account charged hereto.
year, under Letter of Authorization No. 35 -Bi., dated July 1, 1920.

This is for the ~~purpose of~~ reason that this amount is not needed.

You will be held responsible for compliance with the terms of your Letter of Authorization and for keeping within the amount of your allotment. IF YOUR TOTAL ALLOTMENT IS EXCEEDED WITHOUT PREVIOUSLY OBTAINED WRITTEN AUTHORITY OF THE CHIEF OF THE BUREAU, THE EXCESS WILL NOT BE MET BY THE BUREAU, UNLESS (1) THERE IS MONEY AVAILABLE FROM THE PROPER APPROPRIATION AND (2) A SATISFACTORY EXPLANATION IS MADE FOR FAILURE TO SECURE IN ADVANCE THE NECESSARY INCREASE.

Very truly yours,



In Charge of Accounts.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

WASHINGTON, D. C.

ADDRESS REPLY TO
CHIEF, BUREAU OF BIOLOGICAL SURVEY,
AND REFER TO

O-P

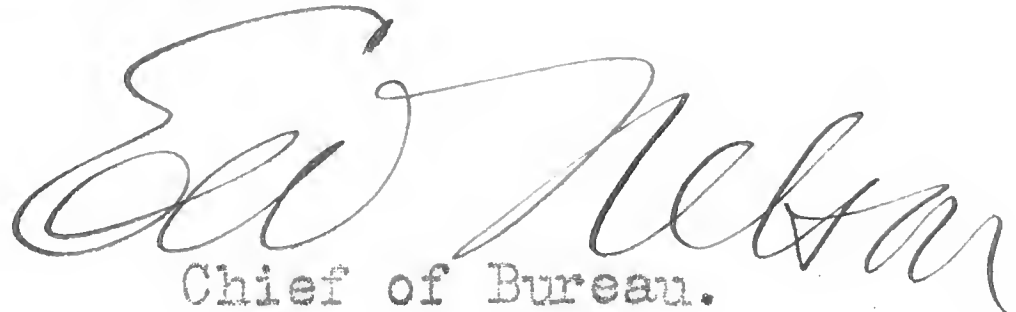
June 11, 1921.

Dr. Alexander Wetmore,
Bureau of Biological Survey,
Washington, D. C.

Dear Dr. Wetmore:

In accordance with letter of authorization No. Bi-35, you are instructed to proceed on or about June 12, 1921, to Valdosta, Ga., for the purpose of testifying in a number of dove cases to be tried in Federal court there on June 14. Your testimony will tend to show that the mourning doves found in Georgia are identically the same species as those found in Canada. Upon the completion of this work you will return to Washington, D. C.

Very truly yours,


Chief of Bureau.

BI-359
APR. 20

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY
WASHINGTON, D. C.

No. 264

ALLOTMENT, AND INCREASE OR DECREASE.

Date: June 11, 1921.

Mr. Alex. Wetmore,
Assistant Biologist,
Bureau Biological Survey.

Dear Sir:

By direction of the Chief, Bureau of Biological Survey, the sum of
\$ 100.00 has been ~~XXXXXXXX~~ allotted for expenditures
under the appropriation "General Expenses, Bureau of Biological Survey, 1921,"
SYMBOL NO. 24 (Protection of Migratory Birds) during this fiscal
Show this number on each Account charged hereto.
year, under Letter of Authorization No. 35 -Bi., dated July 1, 1920.

This is for the purpose of covering expenses incurred in connection with
the enforcement of the provisions of the Migratory Bird Treaty Act.

Liabilities may be incurred against this amount not to exceed:

4th Quarter \$100.00

Unexpended balance can not be carried beyond the fourth quarter, ending
June 30, 1921.

You will be held responsible for compliance with the terms of your
Letter of Authorization and for keeping within the amount of your allot-
ment. IF YOUR TOTAL ALLOTMENT IS EXCEEDED WITHOUT PREVIOUSLY OBTAINED
WRITTEN AUTHORITY OF THE CHIEF OF THE BUREAU, THE EXCESS WILL NOT BE MET
BY THE BUREAU, UNLESS (1) THERE IS MONEY AVAILABLE FROM THE PROPER APPRO-
PRIATION AND (2) A SATISFACTORY EXPLANATION IS MADE FOR FAILURE TO SECURE
IN ADVANCE THE NECESSARY INCREASE.

Very truly yours,


In Charge of Accounts.

COPY OF COPY
DEPARTMENT OF JUSTICE
OFFICE OF UNITED STATES ATTORNEY
Northern District of Georgia,
ATLANTA

Jan. 10, 1921.

The Solicitor, Department of Agriculture,
Washington, D. C.

Sir:

I acknowledge receipt of your letter of January 8, 1921, relating to the case of the United States v. Joseph H. Lumpkin, charged with violation of the Migratory Bird Treaty Act.

In reply you are advised that it is my information that Mr. Lumpkin contends that the doves killed by him were not "mourning" doves, that he will further contend that the doves killed by him were not migratory. On the trial of the case it will be important for the prosecution to have witnesses to contradict both of these contentions.

In my conversation with Mr. Whithead, United States Game Warden, during the last November term of the United States Court at Athens, I understood him to say that "mourning" doves were so denominated because of black feathers in their wings. I also understand that the defendant will produce evidence to show that the doves killed by him did not have black feathers in the wings.

In my opinion it would be advisable for a person expert in such matters during this winter to visit the counties of Jackson and Oglethorpe, Georgia, and see the doves that frequent that section and determine positively whether or not such doves are "mourning" doves. If Mr. Whithead is not expert on that question, I think it advisable

for an expert to aid him in this matter. In the Treaty doves are denominated as migratory birds, but the indictment in this case alleges the doves killed to have been "Mourning" doves, and if we can successfully establish this fact it is probable that the court will construe the Treaty and Act of Congress as declaring such doves to be migratory birds.

I note your statement that Mr. Bradford Whitehead, United States Game Warden, will very likely be in Atlanta within a short time, and will confer further with me in regard to this matter. I think it advisable for him to do so, and will be glad to confer with him on this question.

Respectfully,

J. W. Henley,

Assistant United States Attorney.

C O P Y

Hon. J. . Henley,
Assistant United States Attorney,
Atlanta, Georgia.

Dear Mr. Henley:

I wish you would accept my thanks for your letter of the 1st instant, reporting in detail the result of certain prosecutions for violations of the Migratory Bird Treaty Act at Athens. I take this occasion to express my own as well as the Department's appreciation of the earnest and vigorous attention you have given to these cases and to say that had we like cooperation in all districts in the country we feel that the purposes of the law would very speedily be secured.

I am much interested in your statement of the attitude of defendant Joseph H. Lumpkin, and will proceed to advise you with reference to the questions you raise relative to his proposed defense.

It is quite evident to me from your statement of his case his belief is that he has been indicted for killing ground doves, which are known to him and others in his community as mourning doves. The confusion arises out of the fact that in the south - and I may say here that my home is in Florida - the true mourning dove is known as the turtle or Carolina dove, while the little ground dove is quite commonly called mourning dove. If the defendant had killed ground doves he would not have been indictable, as the ground dove as a species is not a migratory dove between the United States and Canada. But the fact is that he killed mourning doves, known to him as turtle doves, and it will be a very easy matter to prove that the doves he killed were mourning or turtle doves and not ground doves. You probably know of your own knowledge that no one hunts ground doves in the south. There are not enough of them to furnish the slightest degree of sport, they are too small, and they do not congregate in flocks as do the mourning doves. They rarely are seen more than three together, usually only two. The mourning doves are in Georgia and other southern states in the winter in vast numbers, congregating in flocks sometimes of a thousand or more.

In short, the "mourning" dove of ornithology is the dove which is protected by the Migratory Bird Treaty and the Act of Congress, is a migratory bird between the United States and Canada, is the dove

which Mr. Lumpkin killed, and is the dove called by him "turtle" dove.

Our warden found two of the doves on the field where Mr. Lumpkin had been shooting, but they were in such a state of decomposition that he was unable to preserve them. He, however, is perfectly familiar with the birds, knows the distinction between the mourning dove and ground dove, and will be able to testify as well as to produce witnesses who will testify that the doves hunted and killed by Mr. Lumpkin were mourning doves under the protection of the Migratory Bird Treaty and Act of Congress.

I rather suspect that Mr. Lumpkin also has in mind, in fact uppermost in his mind, the defense that the mourning dove is not a migratory bird within the meaning of the Treaty and Act of Congress. He no doubt predicates his view on the fact that throughout the year mourning doves may be found in Georgia. That fact, however, is of very little importance. In the first place Mr. Lumpkin will admit, I have no doubt, and many others in Georgia will testify, that the mourning dove is enormously more abundant in Georgia in the winter than in summer. It is obvious, therefore, that the mourning doves found in Georgia in the winter must have come largely from somewhere else to mingle with the few doves which may have remained in the state the previous summer. Now the fact is that mourning doves nest quite abundantly in southern Canada, completely retire therefrom at the approach of winter, and, joining others which have summered in the northern states, press southward in their migrations and disperse themselves over the states south of the Potomac River. No doves are found in Canada and the northern states during the winter. Of course, the United States, having authority to legislate for the protection of migratory doves between this country and Canada, does not lose that authority because some individuals of the mourning dove species may happen to remain in any particular state throughout the year. The power in the Federal Government to protect mourning doves extends to the protection of the entire species where to enforce that protection it is necessary in the nature of the case, one mourning dove being indistinguishable from another mourning dove, to extend the protection to all mourning doves. I have no doubt of the soundness of this proposition. Indeed, it is irresistible.

If you believe that Mr. Lumpkin intends to found his defense upon the alleged non-migratory character of the dove, I will be able to arrange with the Biological Survey of this Department to send as a witness in the trial of the case one of its expert ornithologists who will be able as an expert to testify as to the movements and migratory habits of the mourning dove. The Biological Survey probably has thousands of records of the movements of mourning doves from Canada to the United States, and it will be a very easy matter to convince any jury or any court that the mourning

dove is as truly a migratory bird, within the meaning of the Treaty and Act of Congress, as any bird within the protection thereof.

I shall be pleased to hear from you further in regard to this case.

I am informed that Mr. Bradford Whitehead, the U. S. game warden who reported this case, will very likely be in Atlanta within a short time and will confer further with you.

Very truly yours,

(Signed) R. W. Williams

Solicitor.

(C O P Y) hd

DEPARTMENT OF JUSTICE
OFFICE OF UNITED STATES ATTORNEY
Northern District of Georgia
ATLANTA

Jan. 1, 1921.

The Solicitor, Department of Agriculture,
Washington, D. C.

Sir:

At the last November term of the United States Court for the Eastern Division of the Northern District of Georgia, at Athens, indictments prepared by your Department were returned true by the Grand Jury against Frank Wright, George Carson, John Hardman, Luke Davis, John Spence, Harold Pittard, Henry White, Glen Jackson, J. B. Wilson, Edward Farr, J. H. Howard, Nix Methvin and Joseph H. Lumpkin, charged with violation of the Migratory Bird Treaty Act.

The first six of the above named defendants entered a plea of guilty, and were thereupon sentenced to pay a fine of \$25.00 each, all of the remaining defendants, except Joseph H. Lumpkin, entered a plea of guilty, and were thereupon sentenced to pay a fine of \$10.00 each.

Joseph Lumpkin refused to enter a plea of guilty, and announced his purpose to contest the case. It is my information that he will contend on the trial of the case, and will offer proof to the effect that the doves killed by him were not "mourning" doves as alleged in the indictment. On the trial of the case it will be incumbent on the prosecution to prove that the doves killed were "mourning" doves as alleged in the indictment. I suggest that an investigation be made by a person expert in the classification of doves with the view of ascertaining whether the doves in question were "mourning" doves. It is contended

that the doves which are found in that section of Georgia where the defendant Lumpkin killed the doves in question are not "mourning" doves. Some of the defendants in conversation with the prosecuting attorney at Athens claimed that they were "ground" doves, others said that they were "blue" doves. None of the defendants who entered pleas of guilty would be satisfactory witnesses to prove that the doves killed by Lumpkin were "mourning" doves.

The next term of the United States Court at Athens will convene on the 2nd Monday in April, and it is important that the prosecution have evidence available at that time to prove that the doves killed by Joseph H. Lumpkin were "mourning" doves.

Therefore, I will thank you to cause ^{such} investigation to be made as may be necessary to procure competent evidence to establish this fact at that term of the court.

In the event it should be found that the doves killed by Joseph H. Lumpkin were not "mourning" doves, but were another kind of doves coming within the description of migratory birds set forth in Article I, subsection 1 (e) of the Convention between the United States and Great Britain for the protection of migratory birds in the United States and Canada (39 Stat., 1702), it would be advisable to institute a prosecution alleging the killing of the particular kind of dove shown by the evidence to have been killed by the accused.

In the event it should become necessary to institute another prosecution in this case, please advise whether prosecution by information would be satisfactory to your Department without again submitting the case to the Grand Jury.

Respectfully,

J. W. Henley,
Assistant United States Attorney.

GEORGIA

Department of Game and Fish

BULLETIN 7

LAWS OF GEORGIA

For the Protection of Game
Birds and Fish



J. Frank Rhodes

S. J. SLATE

State Game and Fish Commissioner
ATLANTA, GEORGIA

JANUARY, 1920

GEORGIA GAME AND FISH LAWS

ACTS 1911-12

AMENDED 1916-1919

Section 1. Be it enacted by the General Assembly of Georgia, That the Department of Game and Fish be established, to be in charge of the game and fish commissioner, who shall be appointed by the Governor, and the term of whose office shall be for a period of two years, beginning September 1st, 1911, or until his successor is appointed and qualified. Any vacancy in the office by death or otherwise shall be filled by appointment of the Governor.

Sec. 2. Said commissioner shall receive a salary of not exceeding \$3600.00 per annum, payable alone out of the fund hereinafter mentioned, and provided by virtue of this act, and he shall give his entire time to the service of the State as such game and fish commissioner.

Sec. 3. Said commissioner shall give bond in the sum of \$4,000.00 payable to the governor of the State, with two or more solvent securities, conditioned for the faithful performance of the duties of his office and a proper accounting of all moneys that may come into his hands as commissioner. He shall keep a public record, correctly disclosing all moneys received and expended, the number of hunters' licenses, the number of wardens employed, with their names, and counties in which they serve. Also the name of each person prosecuted for violation of this Act, the amount of fines imposed and collected in each case, and all such other information as may be necessary to the affairs of the Department. The books and accounts of said commissioner shall be audited in the same way as other books and accounts of other departments of the State are audited. He shall have a seal of office.

Sec. 4. It shall be the duty of said commissioner to see that the laws now or hereafter enacted for the protection, propagation and preservation of game animals, game birds and fish in this State are observed, and that violations of said laws are promptly and speedily prosecuted. It shall be his duty to seize or cause to be seized game birds, or other animals and fish caught or killed at a time or in a manner, or which have been shipped, contrary to the provisions of this act. Such game or fish so seized shall be donated to some charitable institution in this

State, except live game birds, animals or fish, which shall be liberated. He shall, with wardens and deputy wardens and ex-officio wardens be authorized to serve all criminal processes for violations of this act which could be served by the sheriff and constables of this State.

Sec. 5. He shall appoint game and fish wardens and deputy wardens in each county of this State, such appointees to hold their office for a term of two years unless sooner removed for cause by the commissioner. Such wardens and deputy wardens shall enforce all the provisions of this act and all other laws in reference to game and fish in their respective counties. Such wardens and deputy wardens shall receive \$3.00 per day while acting under the special directions of the commissioner with reference to the discharge of their duties, which sum shall be paid out of the game fund provided for by this Act. Each county warden shall receive one-fourth of all fines and forfeitures and penalties collected in the county in which he holds office imposed for violation of any of the game and fish laws of this State where he does not furnish the evidence necessary to convict. If he does arrest or cause the arrest, and furnish the evidence necessary to convict, then he shall have three-fourths of such fines, forfeitures and penalties. Any person arresting or causing to be arrested offenders under any of the game and fish laws of this State and furnishing the evidence necessary to convict such offenders shall receive one-half of fines, forfeitures and penalties imposed and collected from such offenders and legal fees paid to constables. The remaining portion of fines imposed and collected shall be forwarded to the State game commissioner and by him turned into the treasury to the credit of the game protection fund. The county warden shall receive twenty-five cents for each county license issued by him, one dollar for each State license and three dollars for each non-resident license issued by him. All county wardens shall keep a record in the office of the clerk of the court in their respective counties, which record shall be open to the public, giving names of all parties holding resident, county and State license and non-resident State license issued by him. This record shall also show the names, offences and fines imposed on all persons convicted for a violation of the fish or game laws of this State in the county of his jurisdiction.

Sec. 6. Any resident of the State may procure a license to hunt in his resident county upon the payment of the sum of one dollar. License to such resident shall be issued authorizing him to hunt throughout the State upon payment of three dollars. License shall be issued to non-residents of the State upon the

payment of the sum of fifteen dollars, which shall authorize such non-resident to hunt throughout the State. All license shall bear the date of issuance if the license is issued in the open season, and if issued in the closed season, shall authorize such person to hunt during the next succeeding open season. Such license shall be signed by the Commissioner and countersigned by the game warden of the county in which the license is issued and numbered. It shall contain the residence, age, sex and post office address of the person to whom issued; also state race, approximate height and weight, and color of the applicant's hair and eyes. The license fees, less the warden's fees, shall be remitted by the warden to the commissioner not later than the first of the following month. A person may hunt and fish in the open season in his own Militia District or on his own land without a license. Tenants and their families by and with the permission of the owner of the land shall be permitted to hunt and fish on the lands leased and rented by them without a license. All persons privately owning ponds shall fish at any time and in any manner they desire in said pond.

Sec. 7. No person shall hunt or fish upon the lands of another with or without license without first having obtained permission from such land owner. Any person violating this section is hereby declared to be guilty of a misdemeanor, and shall be punished as prescribed in section 12 of this act.

Sec. 8. All moneys received by the commissioner arising under this act shall constitute a fund known as the game protection fund, and shall be devoted to the payment of the salary of the commissioner, his necessary incidental expenses and the salary of the game wardens and deputy wardens in acting under the special instructions from him. Such salaries and expenses shall not be a charge upon the State fund, nor payable out of any other fund than the game protection fund. No voucher for said salary nor expenses shall be paid unless there shall be at the time sufficient money to the credit of said fund in the treasury. If there should be any money in the treasury at the end of the year to the credit of the game protection fund the amount so remaining shall become a part of the public school fund of the State.

Sec. 9. The clerk of each court in which prosecutions may be instituted for violation of this act shall promptly report to the commissioner the results of said trial and the amount of fines, forfeitures and penalties collected, which said sum shall after the deductions mentioned in Section 5 of this act be forwarded to the game commissioner and placed to the credit of the game protection fund.

Sec. 10. It shall be the duty of the various judges of the superior courts to specially mention in their charges to the respective grand juries the provisions of this act.

Sec. 11. The following shall be deemed game birds and animals: quail, commonly known as bob white partridges; doves, snipe, woodcocks and curlews, wild turkey, grouse, pheasants, deer, squirrels, duck and marsh hens. Provided that nothing herein contained shall prohibit the hunting or sale of migratory ducks, provided that no one person shall kill more than fifty ducks in one day, and the season for shooting migratory ducks is between September 1st and April 20th.

Sec. 12. Any person who shall purchase, or sell, or export for sale, or offer to sell any of the game birds or animals named in Section 11 of this act, shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than ten or more than one hundred dollars and all costs for each offense, or to work on the public works not less than ten or more than ninety days and any one or more of these punishments may be ordered in the discretion of the judge; provided that any person may have in his possession at any time any of the birds or wild animals of this State, or the plumage, skin or body thereof for propagation, or scientific purposes, or for pets, provided that such person shall register with the commissioner of game and fish of this State the number and variety of such birds or animals, which he may have in his possession, and how acquired, and that such birds or other wild animals are used only for propagation or scientific purposes or for pets, and provided further that such persons may sell such birds or other animals alive to be used for said purposes, and when so doing he shall report promptly to the commissioner of game and fish of this State the number and species of birds or wild animals sold and to whom sold, and that the person buying or otherwise acquiring such birds or other wild animals shall promptly report to said commissioner the person from whom he purchased or obtained such birds or animals, and the number and species thereof so acquired, and setting forth that they are to be held and kept only for propagation and scientific purposes, or for pets, and provided further that any such person who shall fail to comply with the above regulations shall be guilty of a misdemeanor; provided further that the commissioner of game and fish may in his discretion issue licenses or permits to any person or persons to take any of the birds or wild animals or the plumage, skin or body thereof, or the nests or eggs of the same for propagation or scientific purposes, or for pets under such regulations and restrictions as may be imposed by said commissioner of game and fish; provided

further that such licenses or permits may be issued by said commissioner of game and fish upon the payment of a fee of one dollar, and that the same may be revoked at the pleasure of the said commissioner at any time, and that such permits or license unless sooner revoked shall be good for one year from the date of issuance; provided further that any person may transport or ship from any point within this State to any other point within this State birds or wild animals alive for propagation or for scientific purposes, and that the transportation companies may accept such shipments, and that both the shipper and the transportation company accepting such shipment shall on the same day that the shipment is made report to the commissioner of game and fish of this State the number and species of such birds or wild animals shipped, and to whom and by whom shipped; provided that any violations of the provisions of this section shall be punished as provided in said Section 12 as amended.

Sec. 13. Any person who shall transport or ship, or offer to transport or ship, any of the game birds or animals mentioned in section 11 of this act, without the limits of the State or from the county in which the game was killed, into another county in this State, or who shall sell or offer to sell, or purchase or offer to purchase any part of the plumage, skin or body of any of the game birds and animals mentioned in Section 11, or who shall take or willfully destroy the nests or eggs of any of the said birds, except as provided in section 12 of this act, shall be guilty of a misdemeanor, and upon conviction, shall be punished as prescribed in section 12 of this act; provided, it shall be lawful for any person duly authorized to hunt, to personally transport, openly, the game actually killed by him, from the county in which it was killed to any other county of this State, or without the State, but the person killing such game must in each instance accompany the game so killed. Each person hunting shall carry with him his license and exhibit the same promptly upon the request of any game warden or deputy warden, or ex-officio warden.

Sec. 14. Any person who shall hunt, kill or destroy, by any means whatever, or who is in possession of the following named birds and animals, except between the following dates, except as provided in section 12 of the act approved August 21st, 1911, as amended, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 12 of this act: quail, commonly known as bob-white partridges; wild turkey gobblers and plovers, from November 20th to March 1st following; woodcock and summer or wood duck, from September 1st to

January 1st; doves, from August 1st to August 31st, and from November 20th to March 1st following; deer from ~~October 1st~~ ^{November 1st} to December 31st following; cat squirrel from October 1st to March 1st following of each year, provided that no person shall kill more than fifteen cat squirrels in any one day. It shall be unlawful at anytime of the year to scatter upon the lands of any person whether it be the owner of the land or not, any corn, wheat, or grain, or to bait for the purpose of drawing to the land where such bait was scattered or placed, game birds or doves, for the purpose of shooting or allowing to be shot at, or kill such game birds or doves at or near the land so baited, and it shall be unlawful for any person to shoot at or kill any dove or game bird at, upon or over or near any land baited or baited field or land. It shall be unlawful for any person to kill any fox squirrel prior to January first, 1918, and for violations of these provisions of this section such person or persons shall be punished as is prescribed by section 12 of the act approved August 21st, 1911, as amended. Provided, that this shall not prevent the killing of squirrels while destroying corn or other cultivated vegetation.

Section 15. During the open season no one person shall be authorized to kill more than two deer, nor more than two wild turkey during any one season, nor more than twenty-five game birds of any one species in any one day. Any person violating this section shall be guilty of a misdemeanor and punished as prescribed in section 12 of this act.

Sec. 16. Any person who shall catch or kill any wild pheasants, grouse, or fawn, or any imported game birds or game animals prior to December 1st, 1916, shall be guilty of a misdemeanor, and upon conviction, punished as is prescribed in section 12 of this act.

Sec. 17. Any person who shall at any time kill or capture or wound any game birds or animals by the use of pitfall, dead fall, snare, trap, pen or other device, or by the use of any poison, drug or explosive, or who shall hunt, catch, or kill any game birds or animals at night, shall be guilty of a misdemeanor, and upon conviction, punished as prescribed in section 12 of this act.

Sec. 18. Any person who shall hunt, without first obtaining a license, except upon his own land, or who lends or transfers his license to another, or who shall hunt upon the lands of another without first having obtained his consent to do so, except persons following hounds in pursuit of foxes or deer, or any other animal not mentioned in this act, in or upon or through the unenclosed or uncultivated lands of another, shall be guilty of a misdemeanor and upon conviction, punished as prescribed in section 12 of this act.

Sec. 19. Any common carrier who shall ship, or transfer, or carry any game birds or animals without the limits of this State, except as herein provided, shall be guilty of a misdemeanor, and upon conviction, punished as prescribed in section 12 of this act; provided, the terms of this section shall not apply to game in the personal possession of the party killing the same; provided, such party has obtained a license then of force.

Sec. 20. Any agent or employee of a common carrier who shall receive any game birds or animals for shipment without the State, or from one county to another county within the State, except as herein provided, shall be guilty of a misdemeanor, and upon conviction, punished as is prescribed in section 12 of this act.

Sec. 21. Any warden, deputy warden or ex-officio warden who shall fail to perform any act or duty placed upon him by this act, shall be guilty of a misdemeanor, and upon conviction, shall be punished as prescribed in section 12 of this act.

Sec. 22. All moneys received by the commissioner arising from the provisions of this act shall be deposited in the State Treasury to the credit of the game protection fund, and said fund shall not be drawn upon or used for any purpose save such as is designated in this act.

Sec. 23. It shall be unlawful for any person in this State to kill, catch or have in his possession any wild non-game bird or to take or destroy the nests or eggs of any non-game bird or to have the same in his or her possession. Such person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, punished as is prescribed in section 12 of this act; provided, this section shall not apply to the following birds; English sparrows, owls, hawks, eagles, crows, rice birds, and field or meadow lark; except persons may ship in this State mounted for millinery.

Sec. 24. The game commissioner and wardens shall see that the laws pertaining to fish are rigidly enforced.

Sec. 25. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 26. That it shall be unlawful to kill buzzards at any and all times of the year.

See 590 Criminal Code, 1911. If any person shall hunt or catch o'possum between the first day of March and the first day of October of each year, he shall be guilty of a misdemeanor.

CLOSED SEASON FOR FOX HUNTING IN ELBERT,
MADISON, AND OGLETHORPE COUNTIES.

An Act to prohibit the hunting, following hounds in pursuit of, trapping, killing or destroying in any manner, fox in the County of Elbert, State of Georgia, except during certain seasons of the year, and to provide a penalty for violation thereof, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall be unlawful, for any person to hunt or follow hounds, or other dogs, in pursuit of, or to kill or in any manner destroy any fox in the County of Elbert, in the State of Georgia, between the dates of February first, and September first inclusive.

Sec. 2. Be it further enacted by the authority aforesaid, That, it shall be unlawful for any person to kill or catch or maim by trapping, any fox in the County of Elbert in said State at any time.

Sec. 3. Be it further enacted by the authority aforesaid, That, any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for a misdemeanor.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 18, 1919.

(Same Law applies in Madison and Oglethorpe Counties.)

FISH LAWS

Criminal Code 1911

Section 600. No person shall inhabit, occupy, or reside in any vessel, ark, or flat on any river of this State, which shall be engaged in the lawful commerce of said river in the carriage of goods or produce to or from market, unless owned by the proprietors of the shores, or their lessee; provided, nothing in this section shall be construed to prevent the owners of the land on said rivers, or their lessees, from taking fish in the river opposite their banks; but no seine shall be permitted to be used in said river either by such owners or lessees, from twelve o'clock Saturday night to twelve o'clock Sunday night; and provided also, that every lease or license to fish shall be recorded within ten days after the granting thereof in the clerk's office of the Superior Court of the County where the land lies. A violation of any of the foregoing provisions shall be punished as a misdemeanor.

Sec. 601. No person, other than the proprietors of the shores and the banks of salt creeks, estuaries, and rivers (or such persons as shall be such proprietor authorized), shall take fish, or attempt to do so, with any line, net, or contrivance, on any estuary, or river, where an artificial shell reef, beds or fishing grounds have been constructed within one hundred yards thereof. Nor shall one proprietor construct or use such places opposite the shore or bank of another proprietor beyond the center of creek, estuary, or river opposite his own shore bank. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 602. If any person shall put any trap, wire, trot line, setline, or other like contrivances, for catching fish for sale, in any of the lakes or other waters of the State, upon or within the lands of another without the WRITTEN consent of the owner thereof, he shall be guilty of a misdemeanor.

Sec. 603. If any person shall place in the waters of any river, or creek, or any fresh water drain any dam, trap, net, seine or other device for catching fish, unless the main channel of such stream is left open for a space of ten feet for rivers and one third or the channel of creek at low water mark, unobstructed for the free passage of fish up or down such streams, he shall be guilty of a misdemeanor, and the sheriff of the county, upon complaint, of persons in the territory of such obstructions

shall have authority to break open any dam, net, or other obstruction that may be placed in such waters in violation of this section. This section does not apply to dams for milling or manufacturing purposes. The words "lowwater mark" shall not apply to fresh water mains.

Sec. 604. If any person shall use firearms, dynamite, or other explosives or destructive substances for the purpose of killing fish, he shall be guilty of a misdemeanor.

Sec. 605. If any person shall use nets, seines, or other contrivances covering, extending to, or obstructing more than one half of the stream for catching or taking shad in any of the streams of this State, he shall be guilty of a misdemeanor.

Sec. 606. There shall be a "closed time" for the rivers in which shad are caught, of forty eight hours: commencing at sunrise on Saturday morning of each week, and ending at sunrise on Monday morning of the next week, during which "closed time" no shad or other migratory fish shall be caught by nets, wires, pounds, or other means whatever; neither shall such nets, wires, pounds, or other apparatus be left in said rivers during said "closed times." The meshes of nets or other apparatus for catching fish shall not be less than five inches.

Sec. 608. A violation of either of the two preceding sections shall be a misdemeanor.

Sec. 609. If any person shall seine or net for fish in any of the streams in which mountain trout exist, or be placed, he shall be guilty of a misdemeanor.

Sec. 610. If any non-resident of this State shall take or catch any oysters or fish from the public waters of this State for the purpose of selling them, he shall be guilty of a misdemeanor.

POISONING FISH PROHIBITED.

Sec. 611. Any person who shall directly by himself, or by aiding or abetting others, put walnut hulls, walnut leaves, devil shoestrings, or any poison substances whatever of any kind in any waters, either running streams or standing waters, such as lakes, ponds, or eddy places in any river or creek within the limits of this State, which will be likely to drive away or poison the fish therein by contaminating said waters, he shall be guilty of a misdemeanor.

CLOSED PERIOD FOR FISHING EXCEPT WITH HOOK AND LINE.

Sec. 612. If any person shall catch or take any fish with seine, net, gig, or spear, or like device, from any of the waters

of this State, between the first day of February and the first day of July in each year, except with hook and line, he shall be guilty of a misdemeanor.

Sec. 613. In case of shad the above prohibition as to dates shall apply only between the fifteenth of April and the first of July.

Sec. 614. Whoever shall catch any shad or other fish, or use for the purpose of catching shad or other fish, in any of the waters of this State, any net or nets known as drift nets, between the hours commencing at sundown on Thursday of each week and ending at sunrise on Monday of the next week, shall be guilty of a misdemeanor.

Above repealed by Shad Act of August 17th, 1918.

SHAD ACT APPROVED AUGUST 17, 1918.

An Act to regulate the taking of shad fish from the waters of this State and providing for a license to be imposed upon those who take, for purpose of sale, with any device, shad fish from any of the waters within this State, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That on and after the passage of this Act the open season, during which, any person may take shad from the waters of this State in any manner, shall be from February 1st to April 20th, following. Provided, that on St. Mary River in said State the open season for taking shad shall be from January 1st to April 20th, following.

Sec. 2. Be it further enacted, That during each week of such open season there shall be a closed time during which no shad fish shall be taken from the waters of this State in any manner, beginning at sundown Friday of each week, and extending until sunrise Monday following. Provided, that nothing contained in this Section shall apply to the St. Marys River.

Sec. 3. Be it further enacted that any person who shall take shad fish from the waters of this State, for purposes of sale, without first procuring a license from the commissioner of game and fish as hereinafter provided, shall be guilty of a misdemeanor, and punished as hereinafter provided.

Sec. 4. Be it further enacted that the license as provided in the foregoing section shall be as follows: That persons having a residence within this State and being citizen of the United States shall pay a fee of one dollar for such license and that citizens of other states residing outside of this State, and who take shad from the waters of this State for the purpose of sale shall first procure from the commissioner of game and fish of this State, a license, the fee for which shall be ten dollars, and

shall have authority to break open any dam, net, or other obstruction that may be placed in such waters in violation of this section. This section does not apply to dams for milling or manufacturing purposes. The words "lowwater mark" shall not apply to fresh water mains.

Sec. 604. If any person shall use firearms, dynamite, or other explosives or destructive substances for the purpose of killing fish, he shall be guilty of a misdemeanor.

Sec. 605. If any person shall use nets, seines, or other contrivances covering, extending to, or obstructing more than one half of the stream for catching or taking shad in any of the streams of this State, he shall be guilty of a misdemeanor.

Sec. 606. There shall be a "closed time" for the rivers in which shad are caught, of forty eight hours: commencing at sunrise on Saturday morning of each week, and ending at sunrise on Monday morning of the next week, during which "closed time" no shad or other migratory fish shall be caught by nets, wires, pounds, or other means whatever; neither shall such nets, wires, pounds, or other apparatus be left in said rivers during said "closed times." The meshes of nets or other apparatus for catching fish shall not be less than five inches

Sec. 608. A violation of shall be a misdemeanor.

Sec. 609. If any person of the streams in which mo shall be guilty of a misden

Sec. 610. If any non-re catch any oysters or fish fr for the purpose of selling ti meanor.

POISONING FISH PROHIBITED.

Sec. 611. Any person who shall directly by himself, or by aiding or abetting others, put walnut hulls, walnut leaves, devil shoestrings, or any poison substances whatever of any kind in any waters, either running streams or standing waters, such as lakes, ponds, or eddy places in any river or creek within the limits of this State, which will be likely to drive away or poison the fish therein by contaminating said waters, he shall be guilty of a misdemeanor.

CLOSED PERIOD FOR FISHING EXCEPT WITH HOOK AND LINE.

Sec. 612. If any person shall catch or take any fish with seine, net, gig, or spear, or like device, from any of the waters

o fthis State, between the first day of February and the first day of July in each year, except with hook and line, he shall be guilty of a misdemeanor.

Sec. 613. In case of shad the above prohibition as to dates shall apply only between the fifteenth of April and the first of July.

Sec. 614. Whoever shall catch any shad or other fish, or use for the purpose of catching shad or other fish, in any of the waters of this State, any net or nets known as drift nets, between the hours commencing at sundown on Thursday of each week and ending at sunrise on Monday of the next week, shall be guilty of a misdemeanor.

Above repealed by Shad Act of August 17th, 1918.

SHAD ACT APPROVED AUGUST 17, 1918.

An Act to regulate the taking of shad fish from the waters of this State and providing for a license to be imposed upon those who take, for purpose of sale, with any device, shad fish from any of the waters within this State, and for other purposes.

Section 1. Be it enacted by the General Assembly of the ate of Georgia, and it is hereby enacted by the authority the same, that on and after the passage of this act, the open son during which any person may take shad fish from the ters of this State in any manner, shall be from February t, to April 20th, following.

Sec. 2. Be it further enacted that during each week of such en season there shall be a closed time during which no shad i shall be taken from the waters of this State in any manner ginning at sundown Friday of each week and extending until rise on Monday, following.

Sec. 3. Be it further enacted that any person who shall take shad fish from the waters of this State, for purposes of sale, without first procuring a license from the commissioner of game and fish as hereinafter provided, shall be guilty of a misdemeanor, and punished as hereinafter provided.

Sec. 4. Be it further enacted that the license as provided in the foregoing section shall be as follows: That persons having a residence within this State and being citizen of the United States shall pay a fee of one dollar for such license and that citizens of other states residing outside of this State, and who take shad from the waters of this State for the purpose of sale shall first procure from the commissioner of game and fish of this State, a license, the fee for which shall be ten dollars, and

that aliens, whether residents of this or other states, who engage in the taking of shad fish for the purpose of sale, from the waters of this State, shall first procure a license from the commissioner of game and fish of this State, the cost of which will be ten dollars, and that all licenses provided for in this section shall be good for the term of one year from the first of the month on which same was issued.

Sec. 5. Be it further enacted that any person who shall have in his possession or in any boat in or upon the waters of this State, of any net or other device for the purpose of taking shad fish during such time as the law prohibits the taking of such fish by such devices, that the possession of such nets or equipment shall be prima facie evidence of the person having in his possession such nets and equipment being guilty of taking such shad in violation of law and shall upon conviction be punished as hereinafter provided.

Sec. 6. Be it further enacted that any person violating any of the foregoing provisions of this Act, shall, upon conviction, be fined not less than ten dollars and all costs in each case, or more than one hundred dollars and all cost in each case, or shall serve upon the public works of the county in which convicted for the term of not less than thirty days or more than ninety days.

Sec. 7. Be it further enacted that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Above Act Approved August 17, 1918.

LICENSE FEE CHANGED BY HOUSE BILL NO.
267, APPROVED AUGUST 19, 1919.

OYSTERS

Sec. 615. If any person shall prick, tong, dredge, or in any manner take or catch oysters from any of the waters of this State, except from private beds, from the first of May to the thirty-first day of August, inclusive, except for the purpose of replanting the same in this State; or shall take them for any purpose during any season from one hour after sunset on Saturdays until one hour before sunrise on the succeeding Mondays, he shall be guilty of a misdemeanor.

Sec. 616. If any person shall "rough" take or catch oysters from any of the public beds within the waters of this State, unless the same shall be culled over the beds from which they may be taken, except when the weather is such as to render it dangerous to remain at the beds, he shall be guilty of a misdemeanor. This section shall not apply to the taking of oysters for the purpose of replanting the same in any of the waters of this State.

Sec. 617. If any person shall, without the authority from the owner, take or catch any oysters from any private bed, or remove or deface any oyster-marks, he shall be guilty of a misdemeanor.

Sec. 618. If any person shall take or catch oysters by the use of any other instrument than the oyster tongs heretofore in general use for taking oysters within the waters less than one thousand feet distant from the shore-line at ordinary mean low tide, he shall be guilty of a misdemeanor.

Sec. 619. The foregoing section does not apply to oysters taken by any means from private beds by the owner or lessee thereof. Nor does it apply to oysters taken from unleased territory within said limits for the purposes of transplanting to other beds in this State, with the consent and approval of the ordinary and board of county commissioners, as provided by law.

Sec. 620. If any person, corporation, or agents thereof, who are engaged in any other state in the business of shipping or canning oysters, shall procure oyster-beds in this State, it shall be a misdemeanor.

Sec. 621. If any person shall tong or catch oysters, between sunset and sunrise, unless an obstructed light, six feet above the gunwale be carried on board the boat used for such purpose, he shall be guilty of a misdemeanor.

SALT WATER FISH LAWS

"An Act for the protection and propagation of fish, shrimp, prawn, oysters, turtles, terrapins, and other crustaceans in this State; providing how the same may be taken and caught from the salt waters of this State; providing for a license for the taking and catching of the same; the appointment of special inspectors to enforce the provisions of this Act, prescribing their duties, and to provide penalties for a violation of this Act, and for other purposes."

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That, from and after the passage of this Act, all of the beds of salt waters, bays, rivers, estuaries, and shores of the sea, and the waters overlying the same, within this State and not already conveyed by special grant or compact, according to law, shall continue and remain the property of the State of Georgia, and subject to the special provisions of this Act may be used in common by the people of this State for the purpose of fishing, taking and catching oysters, shrimp, prawn, turtles, terrapins and other shell fish, and no grant shall hereafter be issued by the county authorities in any county in this State to pass any estate, title or interest of the State in or to any natural oyster bed, rock or shoal, whether the said bed, rock or shoal shall be bare or not, except on compliance with the provisions of this Act.

Sec. 2. Be it further enacted by the authority aforesaid, That after the passage of this Act, so far as the authority of the said State shall extend, oysters, shrimp, prawn, turtles and terrapins, and other crustaceans, found in the salt waters of this State, suitable for food, shall be considered fish, and it shall be the duty of the Department of Game and Fish, as established by the Act of August 21st, 1911, to enforce the laws of the State of Georgia for the protection of the same.

Sec. 3. Be it further enacted by the authority aforesaid, That after the passage of this Act the said game and fish commissioner shall have authority to employ not exceeding three inspectors to carry into effect the provisions of the laws of this State for the protection of game and fish; said inspectors shall receive salaries not exceeding one hundred dollars (\$100.00) per month, as may be ordered by the commissioner. They shall take oath and give bond in the sum of one thousand dollars

(\$1,000.00) for the faithful performance of their duties. These inspectors shall have authority to carry out the provisions of this Act, and to arrest persons violating the provisions thereof, or of any of the laws of said State covering the protection of game and fish.

Sec. 4. Be it further enacted by the authority aforesaid, That the state game and fish commissioner shall have authority to purchase or lease launches for the use of the inspectors, while in active service of the department, and for carrying out the provisions of this Act. Said state game and fish commissioner is hereby empowered and directed to employ such other help as he may deem necessary in carrying out the provisions of this Act and the other laws of the State for the protection of game and fish. Compensation for such services to be paid out of the funds derived for the protection of game and fish.

Sec. 5. Be it further enacted, That all boats and vessels engaged in taking oysters for purpose of sale from any of the beds in this State, whether the same be private or public beds, shall before beginning operation, first secure a license from the said commissioner of game and fish, and for this purpose the owner, captain or agent of said vessel must present in writing an application setting forth the name and description of said vessel, the name and postoffice address of the owner and captain, the number of the crew, and such further data as the commissioner shall deem necessary, and thereupon said commissioner shall register said vessel and issue necessary license, upon payment of the cost thereof. All licenses shall be graduated according to the oyster carrying capacity of each boat or vessel, and shall be as follows:

A license tax of one dollar per ton or fraction of a ton is hereby levied on each such vessel or boat of five tons or over net register. On all other such boats propelled by sail or power, a license tax of five dollars for each boat is hereby levied, and on all such skiffs, batteaux, and other boats not propelled by sail or power, a license tax of three dollars is hereby levied.

Licenses shall be issued by the commissioner on blanks provided for that purpose.

The owner of any such vessel desiring to catch or take oysters under the provisions of this Act shall first obtain from the commissioner of game and fish a license for said boat, and said license shall have effect for twelve months from the first day of the month in which it is issued, and no vessels shall be used for catching and fishing for oysters in the waters of this State, unless so licensed. Each license shall state the name of the applicant, the name of the vessel, and the license, under the

provisions of this Act, shall not be used except upon vessels so mentioned in said license. Said Commissioner shall have the right to use and expend the moneys received, under the provisions of this Act, for carrying out the provisions of this Act so far as such expenditure may be necessary, and the residue, if any, shall, from time to time, be paid into the treasury of the State, to be applied as other surplus funds in the game and fish department under existing laws.

Sec. 6. Be it further enacted by the authority aforesaid, That it shall be unlawful for any person, except owners and their authorized agents and employees, to take, catch, or tong oysters, from any of the private or public beds of this State between sunset and sunrise. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 7. Be it further enacted by the authority of the aforesaid, That from and after the passage of this Act, it shall be unlawful to take or to catch any fish, within the definition of that term as in this Act expressed, from any of the salt waters of this State, by the use of any device whatever between the first day of May and the first day of August of each year. Provided, that the foregoing penal provisions shall not be construed to prohibit the taking, by any person, of such fish, with a cast net or hook and line, nor shall it apply to or prohibit the use of hand-drawn seines not more than thirty-feet in length, when used in catching prawn and shrimp for bait, or other fish to be sold in local retail trade by the persons taking the same, or to be used for the personal consumption of the fisherman. Nor shall the same apply to the taking of crabs.

Sec. 8. It shall be unlawful for any person to catch or take any of the above mentioned fish for commercial purposes from the salt water of this State, within the time above mentioned, otherwise, without first obtaining a license from the commissioner of game and fish, as hereinafter provided. Any person desiring to catch or take any such fish from the salt waters of this State, except in the manner as aforesaid, shall first obtain from the commissioner of game and fish a license therefor; said license shall have effect for twelve months from the first day of the month in which it is issued. The fee for such license, shall be one dollar per ton or fraction of a ton on each boat or vessel of five tons or over net register. On all boats propelled by sail or power, the same being under five tons net register, a license tax of five dollars for each such boat is hereby levied, and on all such skiffs, batteaux and other boats not propelled by sail or power a license tax of three dollars on all such boats is hereby levied.

Sec. 9. Be it further enacted by the authority aforesaid, That the commissioner of game and fish shall grant no license

to any boat to catch or take fish in any manner whatsoever from the waters of this State unless the owner or lessee of such boat be a citizen of this State; but such owner or lessee can hire non-residents or aliens properly licensed to catch or take fish in boats, owned or operated by him. Such aliens or non-residents may be hired either for wages or on shares.

Sec. 10. Be it further enacted by the authority of the aforesaid, That the expense of salaries of the inspectors, or any other expense authorized to be incurred, shall be paid out of the fund arising from the operation of the game and fish laws of this State, and that any residue, if any, shall be turned into the State Treasury from time to time to be applied as other surplus funds in the game and fish department under existing laws. The commissioner of game and fish shall have authority to provide such rules and regulations as may be needful in carrying into effect the game and fish laws of this State, provided, that same be not inconsistent with the laws of this State. The robbing or breaking up of the turtle and of terrapin nest, or destroying of the eggs of the same, or the turning over of turtles and allowing them to remain so turned is forbidden, and any person guilty of the same shall be punished as for a misdemeanor.

Sec. 11. Be it further enacted by the authority aforesaid, That any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

Sec. 12. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act, and all laws prohibiting the taking of salt water fish at any other season of the year than as herein expressed be, and the same are, hereby repealed.

Approved November 27, 1915.

INSIDE SALT WATER ACT

HOUSE BILL 267.

An Act to prohibit the use of trawl nets, purse nets or other nets, except hand drawn nets, in the inside salt waters; to define outside salt waters and inside salt waters; to provide for a uniform license for boats and salt water commercial fishermen; to provide for a non-resident license for commercial fishermen and boats; to provide a penalty for violation of same, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the use of trawl nets and purse nets and all other nets of every description, except hand drawn nets, in the inside salt waters of this State, for the purpose of taking fish therefrom, be and the same are hereby prohibited, and the operation of all nets, except hand drawn nets, shall be confined to outside salt waters. "Outside salt waters" are defined as those waters from the outermost parts of the coast line to the limit of the three mile jurisdiction, and embrace that part of the Atlantic Ocean under the jurisdiction of the State of Georgia, and all sounds upon the Atlantic Ocean which have a direct outlet to the ocean shall be deemed and held, for the purpose of this Act, as outside salt waters. Inside salt waters embrace all the waters not included in the outside salt waters, and include all the salt water rivers, estuaries and creeks. For the purpose of this Act boundaries for sounds as described above shall be held to be the same as in the United States Geodetic Survey, known as Bulletin No. 19, and recognized heretofore by a resolution of the General Assembly of the State of Georgia. In all questions of boundaries this chart shall be recognized as authority for the Game and Fish Department of this State.

Sec. 2. Be it further enacted, That any person desiring to take or catch fish from the salt waters of this State for commercial purposes shall first obtain from the Game and Fish Commission a license therefor and said license shall have effect for the remainder of the calendar year in which issued. The fee for such individual license for a resident of the State of Georgia shall be two dollars, and for a non-resident or an alien this fee shall be ten dollars. Said license shall contain the name and post-office, address, height, weight, and race of the fisherman, and shall be issued either by the Department of Game and Fish

or by the Coast Inspector in the district in which said fisherman is located.

Sec. 3. Be it further enacted, That the following uniform system of licenses for boats in this State shall be established and shall be in lieu of all licenses heretofore charged. That no boat shall engage in commercial fishing in this State without being provided with a license, and shall take no individual fisherman upon said boat unless said fisherman be duly licensed. A license fee of five dollars shall be levied on all batteaux, and all boats propelled by sail or power of less than five tons shall pay a license fee of ten dollars; all boats of over five tons shall pay a license fee of two dollars per ton or fraction of a ton thereof. The owner of any vessel desiring to take or catch fish under the provisions of this Act shall first obtain from the Commissioner of Game and Fish a license for said boat; said license shall have effect for twelve months from the first day of the month in which it is issued, and no vessel shall be used for catching fish in the waters of this State, unless so licensed. Each license shall state the name of the applicant, the name of the vessel, and the license, under the provisions of this Act, shall not be used except upon vessels so mentioned in said license. Said commissioner shall have the right to use and expend the moneys received, under the provisions of this Act, for carrying out the provisions of the same, so far as such expenditures may be necessary, and the residue, if any, shall be paid into the Treasury of the State of Georgia, to be applied as other funds of the Game and Fish Department under existing laws.

Sec. 4. Be it further enacted, That if any person not a citizen of this State shall desire to catch or take fish from any of the waters of this State he shall pay an additional tax of ten dollars, non-resident license on his boat and the non-resident fisherman license of ten dollars on each fisherman so employed. If any citizen of the State of Georgia employs non-resident or alien fishermen, said fishermen shall pay a non-resident license of ten dollars each, license to be issued in the manner heretofore described.

Sec. 5. Be it further enacted, That after the passage of this Act, so far as the authority of the State shall extend, oysters, clams, and other fish, crabs, shrimp, prawn, turtles and terrapins and other crustaceans, found in the said waters of this State, suitable for food, shall be considered fish.

Sec. 6. Be it further enacted by the authority aforesaid, That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars and costs or to serve upon the public works of the county

in which convicted for not less than ten days nor more than thirty days. Said fines to be distributed as are other fines under the fish and game laws.

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this Act, and all laws prohibiting the taking of salt water fish than as herein expressed, be and the same are hereby repealed.

Approved August 19, 1919.

PROTECTION OF ISLANDS

An Act for the protection of islands situated within the State of Georgia, which are now, or will hereafter, be used or maintained in whole or part as game or fish preserves, and the owners of such islands as herein provided.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, any persons who shall fish or hunt in any of the creeks, streams, or estuaries of this State leading from the ocean, sounds, rivers or bays of this State, surrounding the several islands in this State, which islands are now or will hereafter, be used or maintained in whole or part as game preserves, whether such game preserves be known as public or private preserves, when such creek, stream or estuary leads into such land, or shall enter such creek, stream or estuary for the purpose of hunting or fishing therein without the consent of the owner or resident coutodians of such islands, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as is provided in Section 1065 of the Penal Code of Georgia.

Provided, That this Act shall be held to apply only to a salt water creek, stream or estuary that enters and ends in an island owned in its entirety by a single ownership, family or estate.

Sec. 2. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SAWDUST FLOATING INTO STREAMS, PROHIBITED.

An Act to prohibit the floating of saw dust into any of the streams of this State, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall be unlawful to float sawdust into any of the streams of this State.

Sec. 2. Be it further enacted, That any person or persons or corporations violating the provisions of Section 1 of this Act be punished as for a misdemeanor.

Sec. 3. Be it further enacted, That this Act shall not go into effect in any county until it has been recommended by two grand juries of the county.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved. August 19th, 1911.

LICENSE REQUIRED AND CONSENT NECESSARY TO HUNT AND KILL ANY KIND OR CHARACTER OF GAME

The Court of Appeals decided the general debated question as to whether license and consent are necessary to hunt animals not classified as game animals. In the case of Blassingame vs. State from the City Court of Madison, the Court says:

"1. The primary purpose of the Act of 1911 (Acts of 1911, p. 137), is the preservation of the game specified in the Act. As incidental to that purpose Section 7 of that act makes it unlawful for any person to hunt not only the game enumerated in the Act but any game or other animals not enumerated, either with or without license, upon the land of another without first obtaining the consent of the land owner," * * * "This Court holds that no kind or character of game, whether designated by the act or not, can be hunted without complying with the requirements as to license, and without first obtaining the permission of the land owner." * * * "The other exception is 'persons following hounds in pursuit of foxes or deer, or any other animal not mentioned in this Act'; and this simply means that where a hunter is lawfully hunting upon the lands of another with permission, and, in so hunting, the hounds find, upon the lands upon which he has permission to hunt, foxes, deer, or any other animal not mentioned in this act, and the game is pursued by the hounds, he may follow the hounds in pursuit onto the land upon which he has no permission to hunt."

FUR TRAPPING.

Fur trapping or the sale of furs are not interfered with except that trapping is considered hunting and the trapper required to pay a hunter's license and to have the consent of the land owner.

DECISIONS OF COURTS

HAMMOND V. THE STATE.

3813

10 Ga., Page 143.

1. In the construction of general and special acts, the maxim "generalalia specialibus non derogant" applies, and a general act will be held to repeal or modify a special act embraced within the terms of the general act only when the provision of the two acts are clearly repugnant and irreconcilable, or where the provisions of the general act manifest that it was the intention of the legislature to enact a general law on the subject-matter which should be exhaustive and a substitute for every prior general, local, and special law relating to the subject-matter.

2. The general law on the subject of the protection of game in this State, approved August 21, 1911, (Acts 1911, p. 137), was intended by the legislature to be exhaustive of the subject, and was intended to repeal all existing general, special, or local laws on the same subject-matter.

Decided November 20, 1911.

ALLEN VS. STATE.

3943

11 Ga., Page 75.

1. In the exercise of the police power of the State, the legislature may prohibit the killing of wild game or any traffic or commerce in it, if deemed necessary for its preservation or protection, or for the public good, and to accomplish this end, may make it criminal for any person to sell or offer for sale any of such game, or to have in possession any such game during the closed season, whether the game which he sells or offers for sale, or has in his possession, was killed or taken within or without the State.

2. Under the terms of the act of 1911, commonly known as the "game law" (Acts 1911, p. 137) it is unlawful to purchase or sell, or offer for sale in this State at any time any of the game protected by the prohibitory section of the act, or to have in possession any of such game during the closed season specified in the act, without regard to where it was killed or taken, whether within or without the State. The legislature

intended by the explicit and broad provisions of the statute, to insure the preservation and protection of the game there specified within this State, by making the act of selling it or offering it for sale, or having it in possession during the closed season, specific offenses, whether the game was killed or captured within the limits of the State or elsewhere.

Decided April 16, 1912.

(11th Georgia App. P. 809.)

The Court of Appeals has decided the generally debated question as to whether license and consent are necessary to hunt animals not classified as game animals. In the case of Blassingame vs. State from the City Court of Madison:

"1. The primary purpose of the Act of 1911 (Acts of 1911, p. 137), is the preservation of the game specified in the act. As incidental to that purpose. Section 7 of that act makes it unlawful for any person to hunt not only the game enumerated in the act, but any game or other animals not enumerated, either with or without a license, upon the land of another without first obtaining the consent of the land owner." * * * * * "This court holds that no kind or character of game, whether designated by the act or not, can be hunted without complying with the requirements as to license, and without first obtaining the permission of the land owner." * * * * * "The other exceptions is 'persons following hounds in pursuit of foxes or deer, or any other animal not mentioned in this Act'; and this simply means that where a hunter is lawfully hunting upon the lands of another with permission, and, in so hunting, the hounds find, upon the lands upon which he has permission to hunt, foxes, deer, or any other animal not mentioned in this act, and the game is pursued by the hounds, he may follow the hounds in pursuit on to land upon which he has no permission to hunt." * * * * *

ROBINSON V. THE STATE.

4161

11 Ga., Page 847.

To shoot at any of the game specified in the Act of 1911, (Acts 1911, p. 137), during the closed season designated therein, is a violation of its terms, which make it a penal offense to hunt, kill or destroy by any means whatever between the dates stated, any of the game mentioned in the act. An instruction to the effect that shooting, or shooting at, any of the protected game was hunting such game, within the purview of

the act and the legislative intent relating thereto, was not erroneous.

Decided July 10, 1912.

BOLTON V. THE STATE.

4571

12 Ga., Page 358.

Hill, C. J. Section 612 of the Penal Code is as follows: "If any person shall catch or take any fish with seine, net, gig, or spear, or like device from any of the waters of this State, between the first day of February and the first day of July in each year, except with hook and line, he shall be guilty of a misdemeanor." The accusation against the plaintiff in error alleged that he "did on the 20th day of May, 1912, in county aforesaid, unlawfully and with force and arms catch and take fish from the waters of Flint river, with a basket commonly called a fish basket, contrary to the laws of said State," etc. A demurrer was filed, setting up that no offense was described in the accusation, and that it did not show, with the certainty required by law, "the means of instrument with which the accused is charged with catching and taking fish," and that it failed to allege that the taking of the fish was in the closed season. The demurrer was properly overruled. (a) The allegation that the criminal act was committed on the 20th day of May, 1912, was sufficient to charge that it was within the closed season, the closed season fixed by the statute being the period extending from the first day of February to the first day of July. (b) It was not necessary to allege that the "fish basket" used by the accused was a device like a "seine, net, gig, or spear," for, whether a "like device" or not, the statute expressly says that between the dates specified no fish shall be caught or taken from any of the waters of this State, "except with hook and line." Judgment affirmed.

Decided February 18, 1913.

ROBINSON V. THE STATE.

4760

12 Ga. Page 683.

Pottle, J. 1. The primary purpose of the act approved August 21, 1911, (Acts 1911, p. 137), is the preservation of game and fish; but, as incidental to this purpose, it is by Section 7 of the act made a misdemeanor to "hunt or fish upon the lands of another, with or without a license, without first having obtained permission from such landowner." Consent of the

land owner is in all cases an essential condition precedent to the right to hunt or fish in his lands. *Blassingame v. State*, 11 Ga. App. 809. (76 S. E. 32).

2. One who fishes upon the lands of another without his consent is guilty of a misdemeanor, without reference to the character of the water from which the fish are taken. Hence, one who enters upon the land of another without his consent, and while thereon takes fish from a navigable stream upon which the land abuts, is guilty of a violation of the Act of 1911.

3. It is not decided whether the Ochlochnee River is a navigable stream in Thomas County within the meaning of Section 3621 of the Civil Code. Judgment affirmed.

Decided May 6, 1913

ORDER OF POSTMASTER GENERAL

EXCLUDING GAME FROM PARCELS POST.

Office of the Postmaster General,
Washington, Dec. 23, 1913.

Order No. 7734.

The Postal Laws and Regulations, edition of 1913, are amended by the addition of the following as Section 477½:

Sec. 477½. Postmasters shall not accept for mailing any parcel containing the dead bodies, or parts thereof, of any wild animals or birds which have been killed or are offered for shipment in violation of the laws of the State, Territory or District in which the same were killed or offered for shipment: *Provided, however,* That the foregoing shall not be construed to prevent the acceptance for mailing of any dead animals or birds killed during the season when the same may be lawfully captured, and the export or transportation of which is not prohibited by the law in the State, Territory, or District in which the same are captured or killed.

2. Parcels containing the dead bodies of any game animals, or parts thereof, including furs, skins, skulls or meat, or any game or wild birds, or parts thereof, including skins, or plumage, may be admitted to the mails only when plainly marked on the outside to show the actual nature of the contents and the name and address of the sender or shipper: *Provided, however,* That no parcel containing fresh game in any form may be accepted for transmission beyond the second zone. (See Sec. 475.)

3. Postmasters desiring additional information on this subject should address the Third Assistant Postmaster General, Division of Classification.

NOTE.—Sections 242, 243 and 244, Act of March 4, 1909, 35 Stat., 1137, make it unlawful to ship in interstate commerce the dead bodies, or parts thereof of any game animals or wild birds which have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped.

A. S. BURLERSON,
Postmaster General.

THE FOLLOWING REGULATIONS ARE AS APPROVED
AND PROMULGATED BY THE PRESIDENT, JULY
31, 1918, AND AS AMENDED OCTOBER 25,
1918, AND JULY 28, 1919.

MIGRATORY BIRD TREATY ACT REGULATIONS.

Regulation 1.—Definitions of Migratory Birds.

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. Migratory game birds:

(a) Anatidae, or waterfowl, including brant, wild duck, geese and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willett, woodcock, and yellow legs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cockoos, flickers, flycatchers, grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nuthatchers, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, viroes, warblers, waxwings, whip-poor-wills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory non-game birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

Regulation 2.—Definition of Terms.

For the purpose of these regulations the following terms shall be construed, respectively, to mean—

SECRETARY.—The Secretary of Agriculture of the United States.

PERSON.—The plural or the singular as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

TAKE.—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

OPEN SEASON.—The time during which migratory birds may be taken.

TRANSPORT.—Shipping, transporting, carrying, or exporting, receiving or delivering for shipment, transportation, carriage, or export.

Regulation 3.—Means by Which Migratory Game Birds May be Taken.

The migratory game birds specified in Regulation 4 hereof may be taken during the open season with a gun only, not larger than number 10 gauge, fired from the shoulder, except as specifically permitted by Regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, from a blind or floating device (other than an airplane, powerboat, sailboat, any boat under sail, or any floating device towed by power boat or sailboat), with the aid of a dog, and the use of decoys.

(As amended July 28, 1919).

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds.

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except wood duck, eider ducks, and swans) rails, coot, gallinules, blackbellied and golden plovers, greater and lesser yellow legs, woodcocks, Wilson snipe, or jacksnipe, and mourning and white-winged doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, by the means and in the numbers permitted by Regulations 3 and 5 hereof, respectively, and when so taken, each species may be possessed any day during the respective open seasons herein prescribed therefor and for an additional period of 10 days next succeeding said open season.

Waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe.—The open season for waterfowl (except wood duck, eider ducks and swans), coots, gallinules, and Wilson snipe or jacksnipe shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, New York (except Long Island), Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that portion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16th to December 31;

In Rhode Island, Connecticut, Utah, and that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15;

In that portion of New York known as Long Island, and in New Jersey, Delaware, Oklahoma, Texas, New Mexico, Arizona and California the open season shall be from October 16th to January 31st;

In Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas and Louisiana the open season shall be from November 1 to January 31; and

In Alaska the season shall be from September 1 to December 15.

Rails (except coot and gallinules).—The open season for sora and other rails (except coot and gallinules) shall be from September 1 to November 30th, except as follows:

In Louisiana the open season shall be from November 1 to January 31.

Blackbellied and Golden Plovers and Greater and Lesser Yellowlegs.—The open seasons for blackbellied, and golden plovers and greater and lesser yellowlegs shall be as follows:

In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the open season shall be from August 16 to November 30;

In The District of Columbia, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, and Alaska the open season shall be from September 1 to December 15;

In Vermont, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that portion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16 to December 31;

In Utah and in that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15; and

In Georgia, Florida, Alabama, Mississippi, and Louisiana the open season shall be from November 1 to January 31.

Woodcock.—The open season for woodcock shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas the open season shall be from October 1 to November 30; and

In Delaware, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas and Oklahoma the open season shall be from November 1 to December 31.

Doves.—The open season for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, Texas, New Mexico, Colorado, Utah, Arizona, California, Nevada, Idaho, and Oregon the open season shall be from September 1 to December 15;

In North Carolina, Mississippi, and Louisiana the open season shall be from September 16 to December 31; and

In South Carolina, Georgia, Florida, and Alabama the open season shall be from October 16 to January 31.

(As amended October 25, 1918, and July 28, 1919).

Regulation 5.—Bag Limits on Certain Migratory Game Birds.

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds:

Ducks (except wood duck and eider duck).—Twenty-five in the aggregate of all kinds.

Geese.—Eight in the aggregate of all kinds.

Brant.—Eight.

Rails, Coot, and Gallinules (except sora).—Twenty-five in the aggregate of all kinds.

Sora.—Fifty.

Blackbellied and Golden Plovers and Greater and Lesser Yellowlegs.—Fifteen in the aggregate of all kinds.

Wilson Snipe, or Jacksnipe.—Twenty-five.

Wood Cock.—Six.

Doves (mourning).—Twenty-five.

(As amended October 25, 1918, and July 28, 1919).

Regulation 6.—Shipment and Transportation of Certain
Migratory Game Birds.

Waterfowl (except wood duck, eider ducks and swans), rails, coots, gallinules, blackbellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning and whitewinged doves and parts thereof legally taken may be transported in or out of the State where taken during the respective open seasons in that State, and may be imported from Canada during the open season in the province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regulations shall be transported by one person in one calendar week out of the State where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any State, Territory or District to or through another State, Territory, or District, or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory or District or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District, from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transportation thereof.

(As amended October 25, 1918).

Regulation 7.—Taking of Certain Migratory or Non-Game Birds
by Eskimos and Indians in Alaska.

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murre, and puffins and their eggs for food, and their skins for clothing.

Regulation 8.—Permits to Propagate and Sell Migratory Waterfowl.

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagation purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowls, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at anytime, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where taken, and the unplucked carcasses and the plucked carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but after midnight of March 31, 1919, no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of four weeks shall have had removed from the web of one foot a portion thereof in the form of a "V" large enough to make a permanent well defined mark which shall be sufficient to identify them as birds raised in domestication under a permit.

3. Any package in which waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the first day of January next following; also for the calendar year for which permit was issued the total number of species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address from or to whom waterfowl or eggs were purchased or sold, together with number and species and whether sold alive or dead; and the date of each transaction. A written report correctly setting forth this information shall be furnished the Secretary during the month of January next following the issuance of the permit.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. Permits issued under this regulation shall be valid only during the calendar year of issue, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder.

8. A person engaged in the propagation of migratory waterfowl on the date on which these regulations become effective will be allowed until September 30, 1918, to apply for the permit required by this regulation, but he shall not take any migratory waterfowl without a permit.

(As amended October 25, 1918).

Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes.

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant, and name of State, Territory, or District in which specimens are proposed to be taken and the purpose for which they are intended. Each

application shall be accompanied by certificates from two well known ornithologists that the applicant is a fit person to be entrusted with a permit.

The permit will authorize the holder thereof to possess, buy, sell, and transport in any manner and at anytime migratory birds, parts thereof, and their nests and eggs for scientific purposes. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, buy, sell, and transport in any manner at anytime migratory birds and parts thereof, and their nests and eggs for scientific purposes without a permit, but no specimen shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist when authorized by a permit issued by the Secretary may possess, buy, sell, and transport in any manner and at anytime migratory birds and parts thereof legally taken.

Permits shall be valid only during the calendar year of issue, shall not be transferable, and shall be revocable in the discretion of the Secretary. A person holding a permit shall report to the Secretary on or before January 10th following its expiration, the number of skins, nests, or eggs of each species collected, bought, sold, or transported.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit, in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

(As amended October 25, 1918).

Regulation 10.—Permits to Kill Migratory Birds Injurious to Property.

Whenever information is furnished the Secretary that any species of migratory birds has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage, should be killed, and if so, during what time and by what means. Upon his determination an appropriate order will be made.

Regulation 11.—Sale of Migratory Game Birds Lawfully Held
in Cold Storage July 31, 1918.

A person authorized by a permit issued by the Secretary may possess and may sell and transport until midnight of March 31, 1919, the carcasses of migratory game birds lawfully killed and by him lawfully held in cold storage on July 31, 1918, to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit until midnight of April 5, 1919.

(Added by Proclamation of October 25, 1918).

Regulation 12.—State Laws for the Protection of Migratory
Birds.

Nothing in these regulations shall be construed to permit the taking possession, sale, purchase, or transportation of migratory birds, their nests, or eggs contrary to the laws and regulations of any State, Territory, or District made for the purpose of giving further protection to migratory birds, their nests and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the migratory bird treaty act and do not extend the open season for such birds beyond the dates prescribed by these regulations.

(Added by Proclamation of October 25, 1918).

Under Federal Permit issued January 22, 1919, bobolinks can be killed in Georgia from August 1 to December 1.

The sale of these birds is prohibited.

